MASTERS THESIS

1. TITLE

Criminal strategies of competing protagonists in the 'development' of Crossroads 1990-9; The Transition from Apartheid "oilspot" to democratic civil society.

Anne W. Greenwell

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In fulfillment of the requirements for the award of degree of Master of Social Science (Criminology)

Faculty of Humanities
UCT
2001

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

Signature Signed by candidate Date 1 June 2001

ACKNOWLEDGEMENTS

If it hadn't been for Professor Scharf I would not have had the courage to undertake this thesis at all. From when I first consulted him about the idea he has been enthusiastic and positive that I should pursue it. Throughout, he has been a constant source of encouragement and inspirational guidance for which I am deeply grateful. I would also, especially, like to thank Elaine Atkins and Kelly Moult of the Criminology Resource Centre for their very kind help in formatting and printing my final drafts which was beyond my literacy and capability on my laptop computer. My sincere thanks to Dr Angus Morton who first oriented me into the merits of my laptop and has been there for me since when I have needed further reminding of these.

I owe a debt of gratitude to the two NGOs that have enabled me to carry out my research over the years. Initially, with the Black Sash I learned invaluable lessons from the experiences they afforded me as well as their guidance in the field of monitoring until 1994. Latterly, thanks to UMAC I have been able to continue the urban peace monitoring I so enjoy. For both opportunities and learning experiences I am extremely grateful.

I am also indebted to various key role-players for their kindness and generosity in affording me interview time during their busy work-schedules. Notable among these are, Ulrich Schelhase, J. van Heerden, Wessels, Directors Ganiff Daniels and Simon Mpembe, Senior Superintendant Hubbard, Jeffrey Nongwe, Depoutch Elese and Malibongwe Sophangisa.

Its hard to express anywhere near adequately the debt I owe the people of Old Crossroads. Their warmth and friendliness throughout the years in allowing me to go about my research freely and safely in their urban and informal-settlement areas has been a constant source of strength and admiration to me. Two people, amongst others, in particular deserve my special respect and affection, Depoutch Elese and Malibongwe Sophangisa. Both have contributed crucially to my research. Depoutch, since 1991 when members of the Black Sash responded to a call by women from Old Crossroads of whom his Aunt Joyce Ndinisa Elese was a prominent member. The family's constant harassment by members of the security forces had led to our attempt to expose the anomalies of the situation there at that time. Depoutch as an ANC Youth leader was instrumental in bringing witnesses forward who wanted to give us statements about human rights abuses at the hands of the security forces and the local squatter leadership in the years that followed up to the 1994 General Election. Our friendship has remained and has afforded me much valuable research information.

Malibongwe, I first met at the opening of the Nyanga Local Dispute Resolution Committee (LDRC) in 1992, and I have valued his friendship and wise counsel ever since. I dedicate my attempt to investigate and relate their, and the people of Old Crossroads', experiences of the latter apartheid and early years of democracy with my sincere gratitude and affection.

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Thesis presented for the degree of Master of Arts
in the Department of Humanities (Criminology) University of Cape Town
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CONTENTS

ABSTRACT

The history of Old Crossroads started in 1975 when indigent famillies from the Eastern Cape, began arriving in search of work in the Cape Town area of the Western Cape. They erected their shack/homes in the bush areas bordering the Nyanga township that is located twenty-two kilometres out of Cape Town near the N2 highway and across it the airport. As squatters they struggled for survival and the right to remain, under the leadership of a 'traditional' rural type Headman called Johnson Ngxobongwana, who negotiated on their behalf with the regional and local government authorities. A precarious and volatile balance of power between these and the informal-settlement leadership often resulting in conflict ensued and, it is claimed, had prevented socio-economic development of the area. During a spell in prison on corruption charges Ngxobongwana had been turned from his "struggle" leadership adversary role to be a client/puppet of the apartheid government authorities by cooperating with them in opposing the ANC and its youth structures known as the "comrades". This had resulted in a major outbreak of violence led by his "witdoeke" vigilante group of older local 'traditional' leaders and their followers backed by the local government authorities and supported by government security forces attacking the residents of KTC, burning their homes and laying the area to waste on the pretext of clearing out the "comrades". Since then there has been ongoing low-intensity conflict, criminal activity and intimidation often erupting into sporadic violence in the Old Crossroads urban and informal-settlements.

The period of history from 1976-1986 is comprehensively covered by Josette Cole in her book on "Crossroads" (1987). This dissertation will attempt to take up the story from there but the main focus of the research will be on the years between 1990-1999. During this period the writer/researcher has been active, initially as a 'repression' monitor with the Black Sash Monitoring Group until it closed down in 1994, and from 1995-1999, as a 'peace' monitor with UMAC (Urban Monitoring Awareness Committee). Through her involvement with both these Human Rights NGOs (non-government organizations) she has been able, most particularly in Old Crossroads, to meet and interact with representatives of the various constituencies there including the security forces and local government authorities. She has kept a journal throughout which has become a Research Diary reflecting the important events, the interpersonal, as well as the more formal group meetings that occurred. It was only in 1996 that the possibility of a dissertation took root and she began to conduct more formal semi-structured open-ended interviews with the key role-players which were electronically recorded.

The researcher's methodological approach has been unorthodox, but the she hopes that it will contribute to a clearer understanding of some of the dynamics of the conflict that has surrounded the struggle for human rights in socio-economic development of the area from before the first democratic General Election in South Africa in1994, and during its transition to democracy since. She has referred to van der Spuy, E., (2001) for her views on the relevance of "Monitoring"; Quinney, R., (1993) on criminology as peacemaking; Hughes, G., (2000) on the role of criminologists; Leedy P.D., (1985) on the methodological approach; and May, T., (1997) for his description of "Postmodernism"; amongst others on varying aspects

The researcher sees the need to question whether the apartheid state had consciously planned and perpetrated criminal strategies in order to recruit conservative squatter leaders to perpetrate the criminal violence and by doing so to achieve mutually compatible goals. Alternatively as to whether the state had been responding to the violence, using legitimate defensive violence against political or criminal adversaries and if so to identify the provocation the state and squatter leaders had to endure before resorting to violence. In order to do this the writer will offer research findings from three differing perspectives under the following chapter headings; **4.** "Squatter Leadership - 'Traditional' and 'Youth'", from 1987-1999; **5.** "The Local Government Authority", 1986-1999, and; **6.** "The Security Forces", from 1986-1999.

From these findings the writer will endeavour to answer the following research questions; (1) Was it the manipulation of the apartheid state either through its local government, police or intelligence (military or police) to stamp out insurrection from the "comrades" and maintain the oppression of the constituencies of Old Crossroads? (2) Was it the greed for power on the part of the respective squatter leaders, who saw the furtherance of their own interests through an alliance with the apartheid system and its (unchanged) successors? (3) Was it the opposition of anti-apartheid groupings to overthrow the government (up to 1994)? Or was it a fortuitous combination of all three, coupled with a general competition for scarce income opportunities in the unpredictable period of the post-apartheid transition? In the final chapter the researcher will argue for the latter by way of highlighting seven issues that she considers have contributed to all of these questions, ending with "The overlap between Political Science and Criminology", which she claims to be relevant to this dissertation. In this last issue she has referred critically to Phillips & Swilling, (1988); Haysom, N., (1989); and Cohen, S., (1995); amongst others, and many more with reference to the earlier issues.

AERIAL PHOTOGRAPHS, MAPS & DIAGRAMS

AERIAL PHOTOGRAPHS - by kind provision of the Nyanga SAPS:

(please turn these for lateral viewing and explanation)

1. 1996, aerial view of Old Crossroads featuring in the centre the Council built, 1989/1990 Phase Two, white housing of Unathi Village skirted in the fore-ground by the informal settlement of Boy's Town divided by the Klipfontein Road extension, and by the Lansdowne Road at the top and the New Eisleben Road to the side. The cluster of buildings to the right with light grey roofing is the Topcor Centre, those with the charcoal grey roofing beside it is the local government authority Pulic Servicing department and beyond it with lighter roofing the Old Crossroads Administration Offices. The SADF/SANDF Group 40 HQ is on the end of this photograph with bright blue roofing is the Imbasa Primary School and the larger cluster of buildings with orange/red roofing near the Lansdowne Road is the Nelson Mandela High School. The area, across the road from the Topcor Centre and skirting the road between the New Eisleben to Lansdowne roads dividing it from Unathi Village and Section Four informal- settlement beyond, is the Phase One private development housing built by Bester Homes, Habitech and Wimpey in 1988. The Council built Topcor housing built in 1989/1990, lies behind this band of private built housing in Phase One as described in **[5.**3: 98-99**]**. The green area to the left of the photograph is the cleared area of what had been Section Three informal-settlement. The cleared areas of Sections One and Two are not shown in the photograph **[4.2.**2: 36].

2. 1996, aerial view featuring Section Four informal-settlement with the Lansdowne Road at the top of the photograph and showing the Day-Hospital with orange/red roofing and the Old Crossroads Library and Community Hall with light roofs at the entrance road dividing it from Phase One to the right of the photograph and Unathi Village perimeter houses on the left.with the "Buffer Zone" and cleared area of Section Three immediately beyond. Across the Lansdowne Road at the top of the photograph can be seen part of the the Portland Cement Works complex in the Philippi Industria area **[4.3.**2: 41-43**]**.

MAPS/DIAGRAMS:

1. Area of Old Crossroads coloured in green depicting the aerial photograph **1.** Blue denotes the area off Stocks Road known as Lower Crossroads where victims of the arson attacks in Section One in 1990 fled, and others to Vietnam, beyond the Portland Cement Works and Philippi Industria, next to the New Eisleben Road. Yellow denotes the same areas where victims of the 1993 arson attacks fled as well as to other neighbouring areas **[4.3.**2: 41].

2. Cape Town City Council plan depicting the Old Crossroads housing development in which **A.** denotes the areas sold off to private developers in 1988 for housing development, an **B.** denotes the areas of Council housing development. It also depicts Philippi Industria between the Lansdowne Road and Sheffield Road as well as Lower Crossroads below the latter with a **B [4.3.**4: 45].

3. Cape Town City Council plan showing building development of 1988/1989/1990, and the informal-settlements that remained in 1990, Section One having been cleared in the arson attacks that drove Johnson Ngxobongwana and some of his followers out to Driftsands and others to Lower Crossroads and Vietnam **[4.3.**2: 29].

4. 1997, plan of Old Crossroads proposed government subsidy housing development of Phase Four in Section One cleared by arson attacks in 1990 **[5.**12 & 13].

5. ISLP Project Status March 1999 giving an overal plan of development in Old Crossroads and its environs **[5.**18: 135].

6. The progress of government subsidy housing in Old Crossroads by the end of 2000.

Clinics · Private Hospitals · Airport · Helipad · Toll Plaza · One Way · Entrance · Traffic Light · Bridge · Place of Interest · Museums · Historical Monument

CAPE TOWN INTERNATIONAL AIRPORT

KLIPFONTEIN ROAD EXTENSION

NYANGA CROSSROADS

Bus Terminus

NEW EISLEBEN

LANSDOWNE

STOCK

BROWNS FARM

PHILIPPI

Philippi

WELTEVREDEN VALLEY

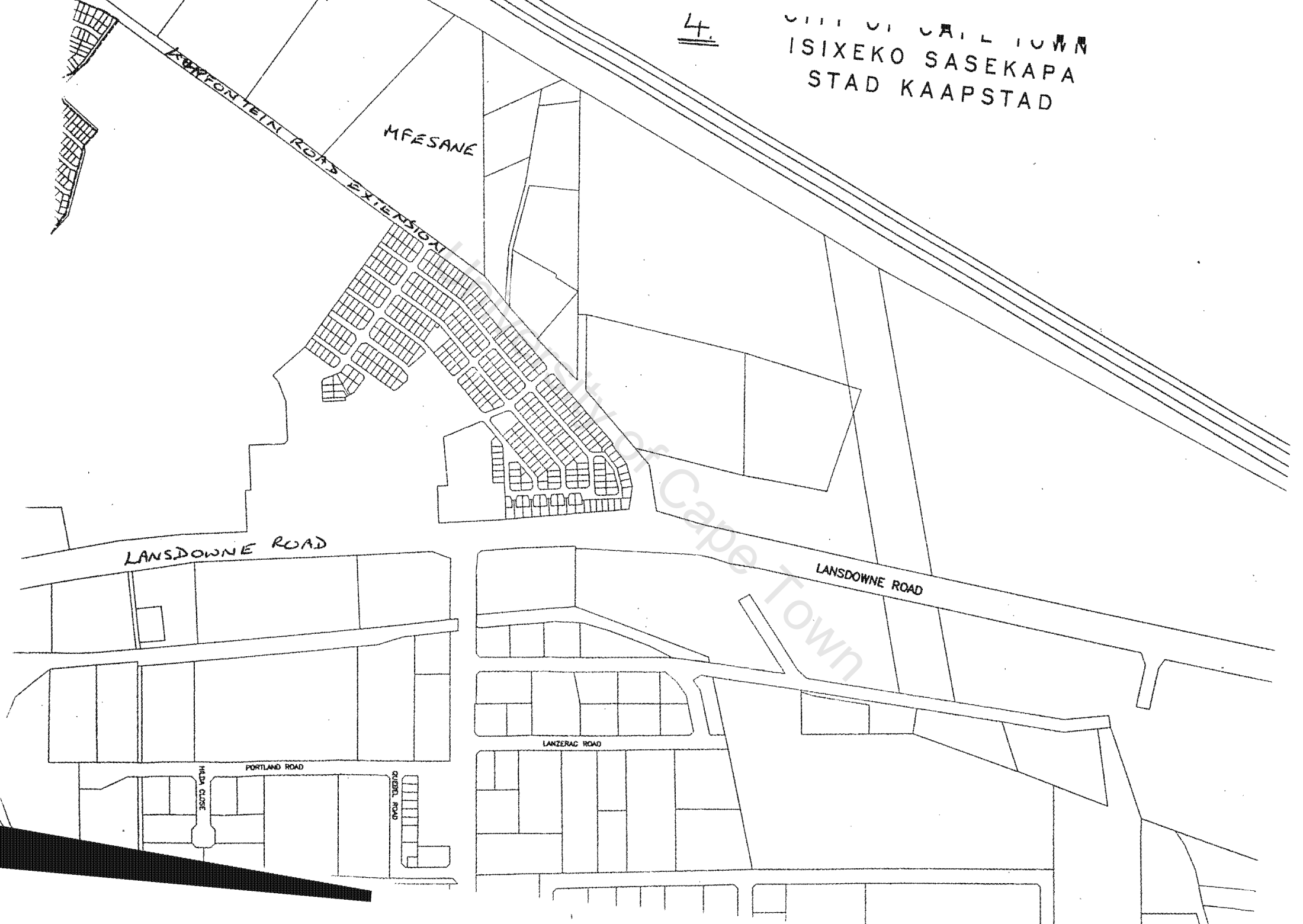
CAPE FLATS FREEWAY

WOODLANDS

LENTEGEUR

4.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD




N2 FREEWAY
BOYS TOWN
PHASE FIVE
INFRASTRUCTURE
DUE TO START
01/03/2001
KLIPFONTEIN ROAD EXTENSION
MFESANE
PHASE THREE/ONE
PHASE THREE/
TWO
MULTIPURPOSE CENTRE
AND FLATS TO BE
COMPLETED IN
2001.
PHASE FOUR
NEW EISLEBEN ROAD
LANSDOWNE ROAD
24 hr
BEDDED
HOSPITAL
A
B
AVENUE
MAHOBE DRIVE

ABBREVIATIONS

ANC	African National Congress
ANCWL	ANC Women's League
APLA	Azanian People's Liberation Army
AWS	Animal Welfare Society
BBC	British Broadcasting Corporation
CATA	Cape Amalgamated Taxi Association
CAYCO	Cape Youth Congress
CBO	Community Based Organizations
CCB	Civil Cooperation Bureau
CCR	Centre for Conflict Resolution
CEO	Chief Executive Officer
CID	Criminal Investigation Department
CIIR	Catholic Institute for International Relations
CIS	Criminal Investigation Service
CIS	Centre for Inter-group Studies
CMC	Cape Metropolitan Council
Codeta	Coalition of Democratic Taxi Associations
CPA	Cape Provincial Administration
CPF	Community Policing Forum
Crora	Crossroads Residence Association
CSF	Community Safety Forum
CTCC	Cape Town City Council
CTCCC	Cape Town City Council Commission
CTM	Cape Town Municipality
CTMC	Cape Town Municiple Council
CWD	Catholic Welfare Development
DA	Democratic Alliance
DEO	District Executive Officer
DET	Department of Education and Training
DA	Democratic Alliance
DP	Democratic Party
EU	European Union
HRC	Human Rights Committee
Idasa	Institute for a Democratic Alternative in South Africa
ICU	Intensive Care Unit
ID	Identity Document

IEC	Independent Electoral Commission
ISD	Internal Stability Division
iSLP	Integrated Serviced Land Project
ISU	Internal Stability Unit
JFP	Joint Forum on Policing
JMC	Joint Management Centre
mini-JMC	mini-Joint Management Centre
JOC	Joint Operational Centre
Lagunya	Langa Gugulethu Nyanga (taxi association)
LEAP	Legal Education Awareness Programme
LDRC	Local Dispute Resolution Committee
LGE	Local Government Election
LHR	Lawyers for Human Rights
LMC	Local Management Committee
LPC	Local Peace Committee
LRC	Legal Resource Centre
MDM	Mass Democratic Movement
MI	Military Intelligence
MK	Umkhonto weSizwe (ANC military wing)
NEC	National Executive Committee
NGO	Non-Government Organisation
NIM	Network of Independent Monitors
NNP	New National Party
NP	National Party
NMS	National Management System
NSMS	National Security Management System
ODA	Overseas Development Aid
PAC	Pan African Congress
PASO	PAC Student Organization
PDP	Population Development Programme
PDP	Peace Development Project
PHC	Public Health Care
PMF	Peace Monitoring Forum
POP	Public Order Policing
PTSA	Parent Teacher Student Association
QPC	Quaker Peace Centre
QPS	Quaker Peace Service
RDP	Reconstruction and Development Programme

RDRC	Regional Dispute Resolution Committee
RPC	Pegional Peace Committee
SABCTV	South African Broadcasting Corporation Television
SACP	South African Communist Party
SADF	South African Defence Force
SANCO	South African National Civic Organization
SANDF	South African National Defence Force
SAP	South African Police
SAPS	South African Police Service
SLP	Serviced Land Project
SPOC	Special Operational Centre
SRC	Student Representative Council
TEP	Theological Exchange Programme
TMC	Transitional Metropolitan Council
TMSes	Transitional Metropolitan Sub-structures
TRC	Truth & Reconciliation Commission/Committee
TRC HRV	TRC Human Rights Violation
UDM	United Democratic Front
UMAC	Urban Monitoring Awareness Committee
USMs	Urban Social Movements
UWC	University of the Western Cape
WCPPP	Western Cape Provincial Policing Project
Webta	Western Cape Black Taxi Association
WECCA	Western Cape Civic Association
WECUSA	Western Cape United Squatter Association
WHAM	Winning the Hearts and Minds
WPG	Women Power Group
WPM	Womens Peace Movement (previously Mothers of Crossroads)

2.

INTRODUCTION

The second week of September 1998 saw the start of two, Truth and Reconciliation Commission (TRC) of South Africa, Amnesty Hearings. One was the high-profile 'superspy', Craig Williamson, hearing in Pretoria, and the other was the, Mandla Maduna, hearing in Cape Town. The first received extensive press coverage and ran for many weeks. The second, barely lasted a week and received scant attention in the local press with the family, witness' name misspelt (8/9/98). Maduna, claiming to be a member of the PAC (Pan-African Congress) and APLA (Azanian People's Liberation Army) Task Force, was seeking amnesty for the killing of Joyce Ndinisa Elese, Timothy Soga, and Simon Pauli on the 19th March 1993, in Unathi Village of Old Crossroads. In the annals of Old Crossroads it remains to be proved whether, the then, National Party (NP) government involvement in the first case might, similarly, have had any ramifications in the second.

The latter tragedy had occurred at the height of renewed violence emanating from the power struggle between the 'traditional' squatter and 'youth' leadership in Old Crossroads that had been engendered by what the researcher claims to be the apartheid government's criminal social engineering in the area through its local government authority since 1987. The target of the attack had been the local ANC (African National Congress) 'youth' leader who had been initially infiltrated into Old Crossroads during the mid-1980s to enlighten and promote ANC principles of democracy particularly among the youth or 'comrades' and to monitor the squatter leadership's local government authority patron/client relationship. He was withdrawn for MK (Umkhonto weSizwe) training and service outside the country after the apartheid government's repression of the ANC 'comrades' had increased alongside their support of the squatter leadership's vigilante 'witdoeke' in 1986. He was returned to Old Crossroads in 1989 to continue his duties in informing and organizing the youth in the ANC democratic beliefs and policies that challenged the 'traditional' autocratic leadership style of the squatter leader Jeffrey Nongwe who had usurped power of the urban and informal settlements in 1990. He, in turn, had assumed ANC allegiance but had remained reliant upon the NP's local government patronage and open to their criminal manipulation.

Since its inception in 1975, Old Crossroads has been the site of instability and conflict. Much of what this dissertation attempts to explore is how one makes sense of

the violent strategies used by all the different role-players in the historical developments. There is a need to question whether the apartheid state, through it various structures (local government, police, military and intelligence operatives) had consciously planned and perpetrated the criminal violence? Whether the state had recruited and/or assisted the conservative squatter leaders to perpetrate the large-scale criminal violence to achieve mutually compatible goals? Or whether the state had been responding to the violence, therefore by implication, using legitimate defensive violence against political or criminal adversaries? And if so, what was the provocation the state and the squatter leaders had to endure before resorting to such violence. And when they had done so, was it proportional to the threat to qualify as legitimate defensive violence?

The precarious and volatile power dynamics between the local government and informal-settlement leadership in this African, predominantly informal-settlement area which borders on Nyanga township in the greater Cape Town region of the Western Cape in South Africa has, it is claimed by the subsequent regional/local government authorities, prevented socio-economic development over the past decade. The major outbreak of violence, that occured there, was in 1986. This had culminated in the Provincial Administration and Security Force backed vigilantes known as the 'Witdoeke' attacking residents of KTC, numbering approximately 30,000, burning their homes and forcing them to flee to neighbouring areas to regroup and rebuild their shacks. Since then there has been ongoing low-intensity conflict, criminal activity and intimidation often flaring up into diffuse sporadic violence.

The compelling need, I believe, is to question why this state of conflict has persisted until to-day. What needs to be asked is what interests and forces sustained the high likelihood of violence? (1) Was it the manipulation of the apartheid state either through its local government, police or intelligence (military or police) to stamp out insurrection from the 'comrades' and maintain the oppression of the constituencies of Old Crossroads? (2) Was it the greed for power on the part of the respective squatter leaders, who saw the furtherance of their own interests through an alliance with the apartheid system and its (unchanged) successors? (3) Was it the opposition of anti-apartheid groupings to overthrow the government (up to 1994)? Or was it a fortuitous combination of all three, coupled with a general competition for scarce income opportunities in the unpredictable period of the post-apartheid transition? The dissertation will explore in detail some of the dynamics which point to the answers to these questions. I will attempt to explore the confluence of interests from a range of sectors such as, old-guard bureaucrats, ambitious greedy squatter leaders, corrupt security force officials and opportunistic developers that have contributed to the

instability of the area.

Similarly, during these volatile periods, it should be taken into account as to how the criminal law had been used by the police and justice system during the conflicts that had followed from 1990 to 1999. Whether all the prosecutions were devoid of political overtones or strategies? Whether every murder were investigated with the same dispassionate rigour, or was the criminal law one of the terrains in which these complex criminal strategies were being fought? And whether criminal violence was the best strategy to use under those circumstances, and if not what were the alternatives? Were these criminal strategies simply another manifestation of the 'oilspot' (McCuen's low intensity warfare theory) or are there other explanations for the patterns I will describe?

There may be an understandable reason for the state and its adversaries to resort to violent and illegal conduct during low intensity conflict, but this dissertation also probes why the same or similar patterns of violence endure into the late 1990s even after there have been democratic elections at both national and local levels. Does the new state still have a hand in these strategies, or are they the continuation of patterns by more select actors, keen to hold on to diminishing sources of patronage? Do the state representatives such as police, intelligence and local government officials simply carry on with the same pattern of manipulations because they know no other method of interacting with squatter leaders? Is there a need for such manipulation nowadays? Was it inevitable that the same patterns would persist well into the mid-1990s given that the same officials dealt with the same geographic areas. What chance is there for transformation under such circumstances? How has democratization affected the political strategies, the survival options of erstwhile squatter warlords and the future of their constituents? These are the crucial elements of exploration and discussion that I hope to grapple with during the course of this thesis.

In the following three chapters **[4.5. & 6.]** a historical overview of the research findings from three differing perspectives will be presented. Firstly, "Squatter Leadership - 'Traditional' and 'Youth'" will look at the events surrounding Johnson Mkhandeli Ngxobongwana's urban and informal settlement leadership from 1987-1990; Jeffrey Mdaesa Nongwe's from 1990-1998; and the 'Youth' leadership of Depoutch "Whitey" Elese from 1990-1999, in Chapter Four. The three leaders feature in the following two chapters as their stories are inextricably linked to the state strategies in operation over the period of research. State strategies that I will attempt to suggest were both political and criminal strategies as they included the

authorization (either implicitly or explicitly) of their officials to commit crime, either sporadically or systematically.

Chapter Five will focus on the "Local Government Authority" from 1986-1999, charting the course of the dubious political manipulation of developmental patron/client issues propagated by the apartheid government. I will argue that ill-conceived private housing development had been allowed to begin in 1988/1989 in Old Crossroads with serious consequences and attempts at damage control with the hasty building of council houses had ensued but the corrupt distribution of these by the squatter leader Johnson Ngxobongwana had fuelled further controversy followed by violence as will be described from the three perspectives. After the LGE of 1996, the ANC Councillors and Council in Old Crossroads embarked on infra-structure development for the new national government's subsidy housing. In the continuing uneasy both political and criminal local government authority manipulation that had prevailed this could so easily have been derailed and indeed had been consistently under threat of disruption during 1998. It had culminated in a Cape Town City Council Commission of Inquiry, into the administration of the Council of Old Crossroads and the activities of its Councillors which lasted from September to October 1998. Its Findings were critical of the disruptors, reminded the Councillors of their duties but absolved them from corruption and nepotism culpability. A period of peace ensued allowing the building to continue, but since the LGE of 1999, development has still been dogged by the threat of disruption until a further politically/criminally manipulated delay to the final Phase Five in Boy's Town of Old Crossroads that is currently being experienced in 2001.

housing devel disrupts.

While there might be the supposition that development reduces crime and conflict, this study proposes to question this and demonstrate that the potential development of an area can, and in this case did, increase crime and conflict. But whether this was by intent or omission, at the time, will also be explored. This study will therefore point to the modes and styles of development to attempt to ascertain which modes generate and which inhibit conflict.

In Chapter Six the issues of the deployment and behaviour of the apartheid government's "Security Forces" in criminally supporting the government's repressive strategic system in Old Crossroads from 1986-1990; the uncertain start of the progression from a repressive 'force' to a 'service' provider from 1991-1995; and in the new political dispensation the growth toward transformation from 1995-1999; will be scrutinized. It should be noted that from 1994, 'repression monitors' became 'peace monitors' and 'peaceworkers' as part of the transformation process in which we began

to cooperate constructively with the police and their efforts to transform. In Nyanga this had led to negotiations between the local police and the township and informal settlement constituencies in forming a Community Policing Forum (CPF) that reached out to its environs, including Old Crossroads, which eventually developed sub-structures of their own. These currently foregather with representatives of government ministries, SAPS, NGOs, CBOs (Community Based Organizations), youth organizations, etc., at a Nyanga Community Safety Forum (CSF) in an attempt to promote and oversee peace initiatives in Nyanga and its environs.

Arising out of the body of these three viewpoints I will in my concluding discussion endeavour to extract and unravel the research questions in the form of seven issues that I consider to have been encapsulated in the "Criminal strategies of competing protagonist in the 'development' of Crossroads 1990-9" during "The Transition from Apartheid "oilspot" to democratic civil society" entitled in this thesis.

The first of these issues is captured under the joint heading of "'Low-intensity Conflict'; 'Political Violence'; and 'Criminality';" aspects of which and their affects had been experienced in the 1980s and had continued during the research period as manifestations of what, I claim, were criminal state strategy tools to disorganize and debilitate anti-apartheid civil society into submission. All three aspects had been the apartheid government's attempt to deny the fact that the country was at war. A war that was being waged between the state and Africanist activists in the freedom 'struggle' both within and outside its national borders. The criminal state strategy had been to exacerbate constituency divisions in Townships and informal settlements to promote what became widely known as 'black on black' violence as a useful propaganda ploy to portray the 'black' as a less than noble savage justifiably in need of subjugation. Part of this subjugation had been the denial of more than the most basic socio-economic and welfare rights. The scarcity of land and employment had encouraged corruption and the pursuit of self-serving means of survival on the part of many of the oppressed constituents.

The state's strategic intent to 'divide and rule' is reflected in the second issue entitled "Criminology in the context of group dynamics;" in which the state having recognized the threat of African civic communality had embraced the potential for criminally manipulating divisions in opposing groupings by empowering one or other for intimidatory and violent purposes. Groupings that featured in Old Crossroads were, in chronological order, local government authority employees, security forces operatives, squatter and youth leadership followers and opponents, taxi-driver vigilantes and their youth counterparts, differing political supporters and more

recently pro-development and anti-development devotees. Emanating from these considerations, the third issue looks at the "External and internal political influences;" relating to these groupings that began to exert pressure importantly, on their individuals, on party political lines from 1990 onwards. These influences have critically informed the fourth issue of "Development;" from then on. 'Development' that not only relates to physical living conditions of housing, job skills and employment, but also to human growth for looking outward in civil society renewal in interpersonal well-being and inter-relating sharing.

Given the above burgeoning attributes, the fifth issue should be facilitated constructively in the progression of "The transition to democracy;" that will be discussed. But after years of social oppression and intimidatory repression in areas such as Old Crossroads the arrival of more democratic processes have been viewed with apprehension and mistrust on the one hand and defiant exploitation of blossoming freedom rights on the other. This has thrown into sharp relief the sixth issue that I have perceived as "The responsibility of negotiated compromise;" in the early days of the new-found democratic dispensation. It highlights the need for sustained informed consultation with constituencies, education and mentorship for the rehabilitation and empowerment of civil society accompanied by ongoing training for the transformation of the state's regional and local authority and security force structures to ensure transparency and accountability of state strategies and enlightened service delivery. Without this the legacy and residue of criminal state neglect, if not intent, in under-development and suborning civil society in urban and informal settlements such as Old Crossroads will be in danger of perpetuation and the conflict that accompanies it will continue.

Finally, in the seventh issue, to conclude the discussion I will endeavour to defend "The overlap between Political Science and Criminology;" as I perceive it to be relevant in this dissertation. According to academic definition, Criminology is; "the scientific study of crime, criminal behaviour, law enforcement, etc." From the same source Political Science is described as; "the study of the state, government, and politics: one of the social sciences" (Collins English Dictionary, 1984: 353 & 1134). Both disciplines foregather under the umbrella of the Humanities and in this study, I claim, are irretrievably enmeshed.

Criminology is commonly understood as a discipline that usually looks at either individual crimes or patterns of crime. I would suggest that it should be concerned also with the impact and influence of disparate group conflicts in sustaining a situation such as the fragile balance of power that has existed in Old Crossroads over

the past decade and beyond. Groupings such as local government structures, security forces, 'vigilantes' and more often than not 'squatter leadership' serving the state were in opposition to the liberation movement, civics and oppressed urban/informal-settlement residents, and even to-day are a threat to progress. In this study, I will endeavour to explore the state's political and criminal contribution to these groupings and the effect that it has had on the continuum of what became to be perceived as 'legitimate', as well as 'illegitimate' violence from both sides. An attempt will be made to assess the potential for it to continue if democratic rights and human needs are ignored and disorganisation is allowed to fester. While the boundary between Criminology and Political Science in this study appears to be negligible, the influences of sociology and psychology offer an eco-systemic standpoint that appeals to the writer/researcher.

The main period to be covered in this study will be 1990 to the end of 1999. A period which began with the release of the soon to be President, Nelson Mandela, from Viktor Verster prison outside Paarl in the Western Cape, the un-banning of the ANC, the PAC and other African opposition political parties. It was a period of adjustment during transition between the twilight of the NP government rule and the uneasy dawn of the first democratically elected ANC Government of National Unity. A dawning that inherited, inevitably, systems and institutions still in place that required radical transformation notwithstanding the scarcity, if not almost total absence, of adequate human as well as material resources for reliable restructuring.

The TRC process has afforded some opportunity for national peacemaking and reconciliation but not enough for, as with so many democratic processes, not every member and every grouping were prepared to come to the table to participate let alone acknowledge their culpability. The fact that so many did, and showed some remorse, gives ground for hope. The fact that many perpetrators of the apartheid state's criminal strategies remain who did not come forward to testify leaves reason to doubt any authentic long-term solution. The undoubted cathartic release experienced by both victims and perpetrators alike in telling their stories requires committed follow-up of therapeutic and reparation needs. Perhaps a parallel intervention with the victims and perpetrators of lesser human rights violations telling their stories country-wide would be beneficial to the nation's crucial healing and transformation process.

As Cole found in the conclusion of her book, "Crossroads", tracing its history from 1976-1986,

> ... it shows reducing them to state strategies alone merely mystifies the reality on the ground and results in political defeats for those who seek social transformation (Cole, J., 1987: 163).

3

RESEARCH METHODOLOGY

3.1. Introduction

1987-1990:

The researcher arrived in South Africa in October 1983. She began studying for a B.A. Social Science degree with Unisa in 1984, and joined the Black Sash in 1986. As a member of the Black Sash Court Monitoring group she attended political trials in the Cape Town Supreme Court, as it then was, the Magistrate Courts there and Magistrate Courts in the neighbouring suburbs and towns of the Western Cape. In 1990, with the release from prison of Nelson Mandela and other political prisoners, the remaining court appearances of those arrested for public demonstrations and unlawful gatherings came to an end and with it the Sash's court monitoring function. The same year the researcher completed an Honours degree in psychology with Unisa.

The research material for this period, to place the future research in its historical context, is therefore reliant on; Josette Cole's book on "Crossroads" which records its history from 1976-1986; the historical section of the Goldstone Commission on Crossroads Report of 1993; the TRC of South Africa Report Volume Three (dealing with the gross Human Rights Violations and Findings for the Western Cape); various newspaper reports and the minutes of meetings held in 1990; and conversations with a youth leader who became known to the researcher in 1991. Further important information about this period was revealed by Ulrich Schelhase of the Cape Provincial Administration (CPA) in his submission to the TRC HRV public hearing on the KTC events of 1986, on the 11th June 1997, at e'Roma Catholic Church Gugulethu, and from an interview with him in October 1999 after his retirement, which will be further explored in a chapter on the Old Crossroads Local Authority.

3.2. Historical Overview of the Research Period:

1991-1994:

Some members of the court monitoring group became involved in, what remained as essentially, "repression" monitoring in some of the African urban and informal-settlement areas outside Cape Town. The monitoring role is described by van der Spuy in three separate and differing categories; "The Binocular View of Monitoring -

look and you shall see", in which "observing", "watching" and "looking" at what takes place at an event is accompanied by the need for "neutrality", "distance" and "objectivity". Secondly, she identifies it as a more pervasive undertaking:

> The Mopping-up View of Monitoring - political reality of the situation itself (the dichotomised polarity, the intensity of conflict the plight of the community, the repressive inclinations of the state) is such that an activist interventionist modality of monitoring is inevitable - 'situation investigators', 'informal conflict resolution', 'social prevention', and 'service delivery'.

And finally she points to a more subjective acknowledgement of:

> The Relativist View of Monitoring - recognition of the pluralism of social life monitors are confronted by a diversity of perceptions of social reality. ... post-modernist discourse has informed them that truth is not an absolute but ever contextual - that perceptions are embued with relativity (van der Spuy, E., in Scharf, W., & Nina, D. (Eds.) **8.** 2001: 172-175)

On the 15th October 1990, a meeting was convened by the Centre for Inter-Group Studies (CIS) [later to become the Centre for Conflict Resolution (CCR)] and the Quaker Peace Centre (QPC) of NGOs (Non-Government Organisations) with a monitoring component, to which the Black Sash was invited. The purpose of the meeting was to discuss concerns about the mounting destabilization being experienced in some of the African townships and informal-settlements and, in particular, in Old Crossroads. This led to regular weekly meetings of what became known as the "Resource Forum" at the QPC with representatives from; the CIS; UMAC (Urban Monitoring Awareness Committee); the WPCC (Western Province Council of Churches); the Black Sash; and others from time to time. The purpose of these meetings was to exchange information and to hear first hand from two Umac and QPC field-workers their impressions of the situation on the ground, as depicted in the following chapters and sections of the text **[5.3: 98-99]** & **[4.2:** 34, & **5.4:** 99-100**]**; [this will be the reference system to be employed throughout].

The two field-workers, Albert Dayile and David Mkhize, were to be of particular importance to the researcher as they invited her to visit their home area of Nyanga and its neighbouring area of Old Crossroads and introduced her to fellow community workers. These visits became regular and soon extended to the neighbouring areas of KTC, Gugulethu, Lower Crossroads, Khayelitsha and Langa (For a description of some of the researcher's initial observations of socio-economic conditions in these areas see Annexure 1).

Meanwhile, the Black Sash Monitoring Group had received basic training in conflict resolution; better listening skills; para-legal competence in statement and affidavit taking; observing at marches and political gatherings; and reporting-back on any of these.

3.3. The Start of a Research Record:

The writer began keeping a research diary in July 1991. Besides keeping a record of, visits made to the above areas, persons encountered on these visits and, as contacts developed, interactions with some of the key role players that took place in Old Crossroads were noted and in some instances tape-recorded. The researcher has kept a photographic record of some of the key events, situations and some of the crucial developments as they occurred to further interpret the situation on the ground in Old Crossroads and its environs.

Initially the diary reflected the first physical impressions of African urban and informal settlements in which the aspects of deprivation and inequality compared with the affluence of the city and its 'white' suburbs were shockingly inescapable. The researcher had experienced the poorest areas of the Mathari Valley, a suburb of Nairobi, but Kenya had no pretensions beyond those of a Third World country, whereas South Africa has aspired to First World values and status behind a veil of denial of its majority's existence. With the help of Albert Dayile, David Mkhize and 'Aunt' Susan Conjwa, all members of the Nyanga Civic, the researcher was able to meet others and hear of some of their experiences and their assessment of day-to-day hardships and anxieties. The ease of such encounters and the generosity in interaction, both in sharing and answering questions, became a constant joy and education to the researcher. The resilience and hope that remained despite the gradual erosion and break-down in civil society was a source of reassurance and respect.

The researcher did not have a research dissertation in mind when she started the diary. She only realized its potential value when it had grown into a six year record of a period which does not seem to have been captured in any other literature that she has come across. Had she perceived this lack earlier she would have conducted semi-structured recorded interviews earlier and with more strategic intent. As it is, these random interviews only began in 1994 with the main "Squatter Leadership" 'Traditional' and 'Youth' protagonists who the researcher had encountered on various previous occasions and with whom friendship had developed. The possibility of a Thesis on Old Crossroads had been discussed before these interviews and permission had been received to use the recorded material should the concept materialize. By 1996, the intention had crystallized and similar permission was gained for the use of

the more formal semi-structured interviews that followed.

The researcher has found the diary a useful chronological reminder of events over the years. It was submitted monthly to the Black Sash Membership Council until it, and its Monitoring Group and Membership Branches, closed in 1994. Since returning from six months overseas, at the end of October 1994, the researcher has been submitting her diary monthly to UMAC and the Human Rights Committee (HRC) as a form of report-back during the period of research. As a monitoring/information tool it has had value but as a research tool it has lacked the appropriate analyses of the events recorded. The researcher experienced, for 'security' reasons, some lack of confidence and inhibition in relating her opinions, let alone analyses of critical situations. In hindsight this aspect could and should have been pursued more rigorously had a research dissertation been intended. More in-depth interviews should have been conducted with a wider variety of subjects over the whole period of research. She, therefore, draws on the diary unashamedly aware of the fact that she looked at the events recorded through a particular human rights set of spectacles which she will endeavour to locate within the theories of development/conflict management.

During this period there was a gradual shift toward proactive peacemaking by human rights NGOs. Quinney speaks of "A criminology of peacemaking, the non-violent criminology of compassion and service, seeks to end suffering and thereby eliminate crime" in which he goes on to elaborate:

> If the social and global sufferings ever are to be ended, we must deal with the suffering of personal existence. What is involved, finally, is no less than the transformation of our human being. Political and economic solutions without this transformation inevitably fail (Quinney, R., in Pepinsky, H., & Quinney, R., **1.** 1993: 4).

The writer prefers the term "peacebroking" to describe the covert/subjective contribution of her more overt/objective monitoring role from then on, rather than the more ambitious organizational claim of peacemaking.

> (ii) ... UMAC's role slowly mutated to that of mediator and facilitator rather than that of expose activism. The normalization of politics more generally and the legalization of marches more particularly made for a quite different political context. Increasingly the role of UMAC embraced that of *peacemaking* between the main protagonists involved in conflict in the Western Cape.
> (iii) Post-1994, with a constitutional state and a restyled Ministry of Safety and Security in place, *project based interventions* towards restructuring the police and policing have come to characterize the work of UMAC (van der Spuy; in Scharf & Nina (Eds.); **8.** 2001: 184)

Withal, "in peacemaking we attend to the ultimate purpose of our existence - to heal the separation between all things and to live harmoniously in a state of unconditional love" (Quinney, in Pepinsky & Quinney; **1**. 1993: 10).

A crucial event that had reinforced the researcher's interest and involvement in Old Crossroads was provided by a visit to the Black Sash Advice Office (Mowbray Cape Town), on the 16th August 1991, of five women from Unathi Village requesting assistance and advice. The researcher and another Sash monitor were called in to listen to their story which led to our further involvement **[4.3**.2: 42-43].

> When we acknowledge *what is* and act as witnesses in this shared reality, without attachment and judgement, we open ourselves to all suffering. Acting out of compassion, without thinking of ourselves as doers, we are witnesses to what must be done.
> The path to the ending of suffering is through compassion rather than through the theories of science and the calculations of conditioned thought (Ibid, 1993: 9).

On the 12th September 1991, a wider forum, the Peace Alliance, initiated by the Black Sash and in conjunction with Resource Forum members was launched in an attempt to draw in a wider representation of NGOs, Religious Institutions and Welfare Organizations to heighten public awareness of the little publicized destabilization taking place in the African townships and informal-settlements. Within this wider representation came the formation of three separate groupings within the Alliance, repression "monitoring"; "welfare" needs of victims of violence; and the third "development" to promote understanding and space for negotiation within communities empowering them to deal with conflict non-violently.

Soon after, the Mayor of Cape Town, Frank van der Velde and the Archbishop of Cape Town, Desmond Tutu, drawing on the Peace Alliance combined to promote a "Taxi-War" Peace initiative with public meetings at the Civic Centre in Cape Town endeavouring to bring together the opposing taxi factions to resolve their differences and reach some form of compromise. This led to a request from a Cape Town City Council consultant (Black Sash member) for monitors to accompany her to the Nyanga Bus Terminus to observe the situation between the two opposing taxi groups, Lagunya and Webta, and the nature of the police presence there. The visit resulted in a roster of Black Sash monitors in pairs observing the arrival and departure of the buses and taxis, only Webta taxis were operating by then and these were being boycotted, and the attitude and behaviour of the SAP (South African Police) at the terminus. The researcher's diary description of these observations, and photographs depicting situations and the location of Webta and Lagunya taxis, their drivers and

supporters, as well as SAP and SADF resources in the terminus were forwarded to the City Council Consultant and to the CIS. The CIS was hosting mediation and conflict-resolution sessions with Webta and Lagunya taxi-drivers at the time. An exert from the diary, dated the 3rd February 1992, describes the scene as follows:

> 7.30am., the crowd at the terminus starts screaming and running away from the boarding areas for the buses as the buses themselves pulled out of the terminus. We heard later that the buses had been stoned by taxi drivers coming from Emms Drive ... . In a few moments the bus area was empty, mercifully, as almost immediately a convoy of Webta taxis arrived at high speed along Terminus road from the Old Crossroads direction. They drove extremely dangerously past Zolani [Centre compound where the monitors were located], round into the terminus area, out again, and either up on to the parking area from there or round again infront of us and then round the back to their usual parking area. The police and SADF did nothing but watch from inside their vehicles. The Webta taxi drivers and their inmates, who were certainly not commuters, came out of their combi-vans and toy-toying formed a group ... centre of the terminus. They appeared to be taunting a small group of men gathered opposite the petrol station and across the road from the back of John Palma school on the KTC side of Terminus road who we presumed to be KTC residents and Lagunya taxi drivers.
> 8.15am., approximately, two further SADF buffels and more police vans appeared. Meanwhile, buses have been coming in and collecting passengers. Children have been going to school and life appears to be going on normally but there is enormous tension in the air and at 8.30am., the John Palma children are sent home, but registration appeared to be continuing at the Oscar Mephta school [at the back of the terminus] when we drove round on our way out at about 9.00am **[R.D.** 03/02/1992**]**.

Following the above report to the CIS, two days later there was a marked improvement in the driving of the Webta convoy, some of the taxis driving at a snail's pace, as it approached the terminus, albeit there were still other incidents to be reported.

Monitoring of the terminus began in mid-October and continued till mid-December 1991, from 6.30-9.00am., and again in the afternoons most days, from 4.00-6.00pm.

There was a lull over the Christmas period before a request to continue came from Umac, early in February, until the evening of the 20th February 1992. On that date, Webta taxi- drivers while leaving the terminus escorted by the police, set fire to shacks in the Black City informal settlement. The resulting violence enforced the closure of the terminus **[6.5 & 6:** 153-155**]**. Monitors were called in soon after to take 'statements' from victims in an attempt to secure some compensation for them.

The Goldstone Commission on the Taxi-War brought some respite to the situation and contributed eventually to the amalgamation of the two opposing taxi-operators in a joint taxi association, entitled "Codeta" (Coalition of Democratic Taxi Associations), who proposed to regulate their own routes, fare-structures, licensing of vehicles and disciplining of drivers **[6.6:** 155**]**.

In August 1992, a joint independent monitors' initiative involving all the NGOs with a monitoring component in the Cape Town area came to-gether to send out teams to monitor the ANC's "Rolling Mass Action", starting on the 3rd of August, for three days. It formed the basis for what was then to be constituted as the Network of Independent Monitors (NIM) in the Western Cape. An office was established and members were trained in preparation for the run-up to, and the period over the General Election in 1994. The Black Sash monitors then became affiliated to NIM. NIM was officially launched on the 28th January 1993.

Over the same period in 1992, as a result of the CODESA negotiation process, Peace Accord structures were set up to ensure a peaceful transition to majority rule. A Regional Dispute Resolution Committee (RDRC) [later to become the Regional Peace Committee (RPC)] office was set up in Belville outside Cape Town followed by Local Dispute Resolution Committee (LDRC) [later to become the Local Peace Committee (LPC)] offices being set-up in urban and rural areas perceived as potential trouble-spots. A LDRC office was opened at the Nyanga Medical Centre later the same year, although its official launch as a LPC office was not until the 12th February 1994.

Both NIM and the LPC office in Nyanga became heavily involved in the turbulent events in Old Crossroads during 1993. The Black Sash were called in at the start of a crisis that erupted at the Noxolo School at the beginning of March. Early in the same month the researcher, as a member of NIM, not for the first time, was asked to take 'Statements' from victims of the ensuing violence by the "youth" leader, Depoutch Elese (ANC) in Unathi Village. As a result she was able to keep in touch with some of the residents, and particularly some of the women of Unathi Village, Phase One and Boys' Town who were opposed to the leadership of Jeffrey Nongwe (ANC) in Section Four of Old Crossroads **[4.3.**4 & **4.4.**4.**]**.

A para-legal Statement in format is not unlike a semi-structured interview undertaken for research purposes. The victim/witness is a willing participant to whom it is explained that the information to be offered is recorded in good faith as the truth and will be forwarded to other authorities, such as the police and/or Legal/Human Rights NGOs, for further action. In the case of legal action the Statement will be transcribed into an Affidavit and signed in the presence of a Justice of the Peace. To secure an authentic statement the interviewer/statement-taker must allow time to facilitate conditions of trust, empathy and relaxation to ensure complete disclosure. Time that allows for the release of emotion as the subject is asked first to relate the story of the incident. The statement-taker, meanwhile, listens with empathy and full attention for the key information to be extracted in the written statement. This, as with the structured interview, starts with the subject's personal details of the name, address, age, and profession/occupation (if any) and proceeds in the first person with the date, time and location of the incident contained in the first paragraph. Numbered paragraphs follow in answer to discrete structured questions to elicit a description of the situation and the incident, a description (race, dress, age-group and distinguishing features) and, if possible, identification of the perpetrator(s), and any weapons and vehicles (type and registration number) used. In the case of police/military (uniform or plain clothes) present or involved in the incident, descriptions of rank, the presence or absence of name-tags, type of weapons carried and vehicle identification (type and registration/unit number), if available, is also noted. As is the presumed motive for the attack and any injury and/or loss incurred and whether the incident was reported to the police and, if so, whether a docket was opened, a reference number given and any action taken. The final paragraph asserts the truth of the statement followed by "So help me God", or words to that effect, and is signed by the victim/witness, counter-signed by the statement-taker with the name of the interpreter, should it apply, and the date on which the statement is given/taken. The statement-taker records the statement verbatim without elaboration though further detail may be solicited. Using an interpreter requires caution and full understanding of the latter implications as sometimes over-enthusiastic activists were found to be less than accurate and apt to embellish. A statement-taker going into an area experiencing conflict may be in danger of drawing further attention to the victims/witnesses placing them at further risk of harassment and even life-threatening violence. Whenever possible arrangements were made to meet statement-givers at a neutral venue outside the main arenas of conflict. We soon learnt that the expectations raised amongst victims when a statement was taken were seldom satisfied or resolved which raised ethical questions around the procedure demanding more rigorous legal and/or police follow-up.

The researcher contends that as there is considerable similarity of purpose between semi-structured interviews and statement-taking, the latter should be considered acceptable for research purposes. Both processes require art and experience to elicit useful and pertinent information. The open-ended questioning of an interview may reveal more about the person being interviewed, his/her personality, political stance, aspirations and opinions, in a relaxed environment. Whilst, the confines of a statement reports on a contextual situation of a moment in time often accompanied by emotions of anger, intimidation and powerlessness. The witness of both the interviewee and the statement-giver have value as separate entities contributing to the eco-systemic whole.

Once the Goldstone Commission Hearings on Crossroads were in progress, monitors were requested by Jeffrey Nongwe to take statements from victims of the violence perpetrated against his followers. Thus the researcher and another monitor were able to visit Section Four and establish contact with Nongwe and two other 'traditional' leaders, Jerry Tutu and Christopher Toisie, who were also living in Section Four at the time. The Goldstone Commission Report and Findings will be referred to and discussed further, as will the TRC Report and Findings Volume Three of October 1998, which relates to this period.

From 1993-1994, and over the election period, the researcher continued monitoring in Nyanga, Old Crossroads and Lower Crossroads. The Nyanga LPC office was a valuable referral base and the weekly "Welfare Forum" meetings continued to initiate out-reach to the constituencies. Facilitating Black Sash Voter-Education meetings and monitoring ID (Identity Document) Mobile Clinics in township and informal-settlements became the priority. Over the week of the general election of 1994, the researcher was employed as a "specialist monitor" by the Western Cape IEC (Independent Electoral Commission), to serve on a roster at the Nyanga JOC (Joint Operational Centre). She was also able to visit the polling stations in the Nyanga, Old Crossroads, Lower Crossroads, KTC and Mitchell's Plain during the three days of voting while off-duty.

After the general election of 1994, both the monitoring groups of the Black Sash and NIM disbanded. The Peace Accord structures were closed down in October 1994, but members of the community in Nyanga demonstrated outside the LPC office in Nyanga and demanded that it should remain. Backed by a small group from the QPC, the Black Sash, the Peace Media Office (a Peace Accord Structure that became independent), and Idasa (Institute for a Democratic Alternative in South Africa), the office was able to remain open. The office became known as Eluxolweni. It was supported by a committee of which the researcher was a member. Meanwhile, she

continued her free-lance, but by now essentially "peace", monitoring and reported back to Umac and the Human Rights Committee (HRC).

> The communitarian system generally views conflict as a weakening of communion among its members, which implies a need for restoration to full communion. The solution, therefore, is inclusion rather than exclusion, readmittance rather than isolation, reinterpretation rather than adjudication - a system guided more by the altruistic than the adversarial.
> These very simply are the elements of reconciliation (Cordella J. P., in Pepinsky & Quinney; **3.** 1993: 31).

Krog prefers to refer to it as "conciliation" and explains it thus: "The dictionary definitions of 'reconciliation' have an underlay of restoration, of re-establishing things in their original state - in this country, there is nothing to go back to, no previous state or relationship one would wish to restore". She quotes Tutu's reconciliation theology:

> ' In the African *Weltanschaung* a person is not basically an independent, solitary entity. A person is human precisely in being enveloped in the community of other human beings, in being caught up in the bundle of life. To be ... is to participate (Tutu, D., in Krog; 1999: 165)'.

1995-1998:

Eluxolweni continued to serve the residents of all the neighbouring areas from its office in Nyanga and its staff continued to facilitate joint community peace initiatives. In January 1995, Umac and the HRC facilitated meetings with the SAPS (South African Police Service) after adverse newspaper publicity concerning the Nyanga SAPS ineptitude in solving a mounting number of crimes in Old Crossroads towards the end of 1994. Police officials then asked for assistance with some of the problematic cases in the Old Crossroads area. This entailed the practical assistance of Eluxolweni, and it ushered in an era of co-operation between peace monitors and the security forces **[6.17:** 176-177]. Eluxolweni amalgamated with Umac on the 31st August 1995, as part of a joint Local Government Election (LGE) project to prepare for the local government elections in the Western Cape in 1996.

The Eluxolweni office provided the centre for joint Community Policing Forum (CPF) and Police Transformation projects that were facilitated by Umac/Eluxolweni. The researcher was present at some of these CPF meetings and became involved in others after the chairperson's position had been compromised by the police **[6.19:** 180]. The researcher has documented the latter's events which will be referred to further in **[6.]**.

> Peace means reducing the power that is based on control, domination, exploitation, hostility, and alienation, all of which produces segregation. Peace means increasing people's power to do things *with* others rather than *to* others by building trust, acceptance, respect, love, nurture, and caring - all of which integrate rather than separate people (Sanzen, P.L., in Pepinsky & Quinney; **15.** 1993: 239-240).

The public hearings of the TRC HRV committee began in the Western Cape, from the 22nd-24th April 1996, and the researcher attended these and most of the HRV, the TRC Special and Amnesty Hearings that were held in Cape Town and its environs until the end of 2000. The aforementioned Amnesty Hearing of Mandla Maduna for three murders in Old Crossroads, on the 19th March 1993, will be further reported on and the TRC Amnesty committees findings discussed **[4.4.10:** 87-89**]**.

On the day of the Local Government Elections in the Western Cape, the 29th May 1996, the researcher in the company of an Eluxolweni field-worker visited and re-visited all the polling stations in Old Crossroads throughout the day. Subsequently, on hearing about the plans for local government development from the newly elected councillors for Old Crossroads, observing the progress of that development, and being witness to some of the problems that were encountered by the new council then became a major pre-occupation of the researcher **[5.13:** 121-123, **14:** 123-125, **15:** 125, **16:** 126-132, **17:** 132-135, **18:** 135-137**]**.

Towards the end of 1997, a group of women calling themselves the Crossroads Women Power Group (WPG), allegedly being engineered by the previous squatter-leadership, began challenging the role of the Council and its two Ward Councillors **[4.4.**11: 89-92., & **5.15** & **16:** 125-132**]**. The ensuing violent conflict led to the Cape Town City Council (CTCCC) opening a "Commission of Enquiry into the causes of conflict in Crossroads and Philippi", on the 1st July 1998. The HRC in conjunction with the researcher, forwarded a written submission to this commission and were subsequently asked to appear before the committee at a public hearing to answer questions on their submission (23rd September 1998). The Commission's Report and Findings were released on the 10th December 1998, and these will be reported on **[4.4.**11: 89-92] & **[5.18:** 136**]**.

Stanley Hauerwas, "... in his analysis of the absence of social ethics in liberal democracy, asserts that trust is the basis of true and ethical community (Codella, P.J., in Pepinsky & Quinney; **3.** 1993: 37-38)":

> Trust is impossible in communities that always regard the other as a challenge and threat to their existence. One of the profoundest com-

> mitments of a community, therefore, is providing a context that encourages us to trust and depend on one another. ... philosophy only found in mutualist communities ... because society is nothing more than an aggregate of self-interested individuals (Hauerwas, S., in Ibid; 1981: 11).

The researcher was able to remain involved in the area of Old Crossroads, up to and during the1999, General Election period and the local government election of November 2000, as a member of the PMF (Peace Monitoring Forum). The council's housing development was by then almost complete.

> Criminologists are in a position to use peaceful methods within a discipline that both addresses harm and creates harm. How, given what we know of crimes by the powerful, can we as a discipline still see violence as an interpersonal street-problem rather than as a function of state and of state-supported studies? Doesn't such a view do violence to both the recipients of our research and to ourselves? In transcending the problem of methodologies, we should refocus our attention on peace - on peace rather than on harm. And ultimately we should use our knowledge not for harm, but for peace (Caulfield, S. L., in Pepinsky & Quinney; **14.** 1993: 236).

3.4. Methodology:

> Criminologists are thus faced with a difficult balancing act between the quest for greater human knowledge and harm done to individuals in the pursuit of this goal. For philosophers this represents the classic means/ ends dilemma for which there is no easy answer (Hughes, G., in Jupp *et al*, **13.** 2000: 243).

But importantly from a feminist point of view, Harris in putting forward "modes of moral reasoning", notes that in a "*rights/justice* orientation" in which "morality is conceived as being tied to respect of rules. It is a mode of reasoning that reflects the imagery of hierarchy, a hierarchy of values and a hierarchy of power". But she offers an alternative mode more relative to this research:

> In a *care/response* orientation, morality is conceived contextually and in terms of a network or interpersonal relationships and connection. This mode of reasoning reflects the imagery of a web, a nonhierarchal network of affiliation and mutuality. It assumes a world of interdependence and care among people, a world in which conflicts and injuries can best be responded to by a process of ongoing communication and involvement that considers the needs, interests, and motivations of all involved (Harris, M. K., in Pepinsky & Quinney; **6.** 1993: 89).

Pertinent to this research methodology, Holdaway in describing covert participant observation explains that: "Unlike experimental, questionnaire and other controlled

methods, covert research is equivocal; those who are being researched control the situation as much as, if not more than, the researcher", and further that "covert research and the ethical questions it raises create conditions of stress within which the sociologist has to live with himself (Holdaway, S., 1983: 6 & 9).

Albeit from the perspective of an 'outsider looking in', the researcher has endeavoured to remain as balanced and objective as 'humanly' possible in her appraisal and assessment of what had begun as a struggle for 'survival' in Old Crossroads, but during the period of 1987-1998, became a struggle for 'development'. The use of the term 'humanly' in the context of this researcher is a form of apology for research that has been contaminated by her personal concern for the Human Rights platform from which it had begun in 1990. The 'participant observation' stance, even though limited, had allowed for some close and warm relationships to have evolved with some of the key players which might have threatened the researcher's objectivity around the motives and behaviour of some of these individuals, but as one of them has constantly reminded her, "you must weigh it [the history] up from both sides" (Elese, D., 1996-1998). This is what the researcher has endeavoured to do with her eyes and ears open equally to all the characters and events that have haunted the discourse. It would not have been possible without the friendly openness and constant cooperation of the constituents of Old Crossroads with whom she has had the privilege to encounter and interact. If the researcher has fallen short, it is through no fault of theirs, but it has prompted her awareness that the research should have been done by an 'insider looking out'. Should this research prove a catalyst for such an 'insider' to better inform and complete the picture, the value and pleasure of the experience to this researcher will be complete.

While aware of the unorthodox approach of this research dissertation, the writer/researcher can only attempt to claim some respectability by presenting it as relative to what Leedy describes in his "Descriptive Survey" method of "observation with insight", for which he cites four characteristics;

> 1. ... [It] deals with a situation that demands the *technique of observation* as the *principal* means of collecting the data.
> 2. The population for the study must be carefully chosen, clearly defined, and specifically delimited in order to set precise parameters for ensuring discreteness to the population.
> 3. Data ... are particularly susceptible to distortion through the introduction of bias into the research design.
> (Leedy, P. D., 1985: 134)

The researcher has chosen the population of Old Crossroads as a 'cluster sample' without randomization but stratification (Ibid, 1985: 154 & 155). What Williams

describes as "Purposive sampling", within three specific parameters; the Squatter Leadership - Traditional and Youth; the Local Government Authority; and the Security Forces, in order to investigate events from their differing vantage points and report on them as neutrally as possible. Elaborating, Williams adds that "Numbers may often be small here and once again the 'fit for purpose' defence of the method may be deployed" (Williams, M., in Jupp, V. **5.** 1989: 88). Leedy's final requirement;

> 4. ... data must then be organized and presented systematically so that valid and accurate conclusions may be drawn from them (Leedy; 1985: 134).

Leedy further dictates that this should be accompanied by a "record", which in this case has been the writer's Research Diary from 1990-2000, which when referred to throughout has been set in square brackets **[RD]** at the end of each relevant passage.

Jupp has offered useful guidelines for the development of criminological ideology and methodology which for the purpose of this researcher charts the progress of thought from "new deviancy" approaches whose influence "has been to minimize the importance of deterministic causal explanations of crime in favour of an interest in the role of social meanings and interactions in the social construction of crime. A radical and critical approach to the study of crime subsequently developed ... (Jupp; 2000: 3)". He later qualifies this relevant to the researcher's situation when speaking of "empirical investigation ... often ... linked to a belief that 'qualitative' data and not quantitative data provide more valid representations of the social world. ... characterized in what Glaser and Strauss (1967) refer to as the *discovery-based approach* (Ibid; 2000: 7)" (Phipps; 1986). And further on Jupp identifies "... the radical traditon contributes questions about *the relationship between crime and criminal justice,* on the one hand, and *the state, social structure and historical transition* on the other (Ibid; 2000: 13)".

In pursuit of this research, semi-structured interviews with open-ended questions were employed to enlist the help of key role-players within the three chosen parameters. An appointment was requested in advance by telephone with the individual who was informed of the purpose of the research. At the start of the interview, the intention for its use was restated and permission was granted for the use of a tape-recorder. In only one instance did the researcher fail to secure an interview [with a representative of the Cape Provincial Administration (CPA)] in pursuit of further information on the apartheid government backed Serviced Land Project (SLP). Notable among the interviewees were representatives from the Local Leaders; the Local Government Authorities, and the police. Clearly apparent has been;

> ... the issue of the extent to which 'informed consent' is required for

> ethically sound research. It will be evident that the collection of data is far from a purely technical exercise, but is itself a form of political activity.
> At the same time, questions may be raised as to the detachment and objectivity of a researcher who becomes very closely involved with, and possibly on the side of, the research participant (Hughes; in Jupp *et al*, 2000: 242).

However, May offers a comforting and persuasive "critique of disengagement" in questioning:

> The idea that 'rigorous research' involves the separation of researchers from the subject of their research simply reflects the idea that that reason and emotion must be separated. Instead of seeing people in the research process as simply sources of data, feminists argue that research is a two-way process. ... Over-identifying with the 'subject' of the research is said to prevent 'good' research. The researcher should be detached and hence objective. According to feminists, this is not only a mythical aim, but also an undesireable one which disguises the myriad of ways in which the researcher is affected by the context of the research or the people who are part of it (May, T., 1997: 20).

Jupp endorses this view when discussing the search for "value-freedom" for which he claims; "The consequences are that the researcher is expected to perform a role which no individual could possibly perform Jupp, V., 1989: 52)". Translating this into a "feminist methodology", he quotes:

> a dialogue between the researcher and researched, an effort to explore and clarify the topic under discussion, to clarify and expand understanding; both are assumed to be individuals who reflect upon their experience and who can communicate those reflections. This is inherent in the situation; neither the subjectivity of the researcher nor the subjectivity of the researched can be eliminated in the process (Acker *et al.* 1991: 140).

However, as Leedy warns us; "The results of a survey are no more trustworthy than the quality of the population or the representatives of the sample" (Leedy, 1985: 144). The researcher is confident of the information validity offered by all the interviewees bar one, but acknowledges that all humans are fallible and are also perceiving events through differing lenses. The one exception was the 'Traditional' squatter leader, who the researcher felt had been partial with the truth at times and not prepared to give away much of value. As Hughes predicts:

> In the context of criminological research, the influence of dominant ideologies and institutional practices may be most evident when researchers do not even think to ask 'awkward' questions.

> ... research on the police in the 'old' South Africa graphically illustrates the difficulty of starting research in the face of opposition from the state. Commenting on the lack of research on the South African police and their own reliance on secondary data from the media, Brogden and Shearing (1993) show the immense influence of state political power on the nature of research process (Hughes; in Jupp *et al*, **13.** 2000: 236).

In discussing her interviews with female offenders, Davies speaks of "snowball sampling" as a means of sample selection in which she found during her fieldwork that her initial contact with one or two willing interviewees had led to these women putting her in contact with others thus setting up a network of communication providing a "self-selection sample". This has been the same method of interaction and networking that the researcher has experienced over the years in Old Crossroads. Davies claims that this is an acceptable and ethical way of sampling despite the problems over "typicality, representativeness and bias. She also speaks of the "interviewer's turf ... the risk of imparting my name and home address - or any personal details" (Davies, P., in Jupp *et al*, **4.** 1983: 88 & 89). The researcher has preferred to encroach on the interviewee's turf, or home, in most cases and has endeavoured to share mutually only what seemed appropriate at the time:

> Gaining access is an ongoing process of negotiation and reorganization, In particular, a crucial role is played by key individuals (termed 'gatekeepers' in the academic literature). Gatekeepers may be defined as those individuals in an organization or another social situation who have the power to grant or withhold access to people or situations for the purpose of research (Hughes; in Jupp *et al*, **13.** 2000: 239).

Mindful of these pitfalls the researcher has remained aware of what Lee (1993: 2) warns "Most criminological research may be defined as 'sensitive' research in that it has potentially serious consequences for all participants (Ibid: 238). The researcher finds herself in agreement with Hughes who disagrees with Gold (1958) and others who have written on "participant observation" as a "continuum with overt and covert observation and participation at either end". For Hughes this conceptualization is incomplete. He asserts that: "In my covert research a constant triadic dialogue took place between the balancing of personal ethical limits, the aims of research and my duty as a police officer (Hughes; in Jupp *et al*, **13.** 2000: 238)". In the researcher's case, of course, the Black Sash/UMAC replaced the "police".

The researcher having attended most of the Goldstone Commission Hearings on the Taxi War in 1992; the Old Crossroads conflict in 1993; the Cape Town TRC HRV and Amnesty Hearings when in the country from 1996-2000; and a couple of the CTCCC Hearings in 1998, has

referred to the Reports and Findings from these. Academic publications, articles, papers and newspaper articles have been consulted to support the research data presented as listed in the Bibliography. Hudson offers some critical reflection pertinent to this research methodology:

> Among several criminological themes that appeared to offer some insight into the criminalization of groups ..., Steven Box's use of the hypothesis, state repression will be directed not at the criminal *per se*, but at subordinated groups who are perceived (accurately or not) as likely to pose a threat to existing political order and power arrangements (Box, 1983, 1987, in Hudson, B., in Jupp *et al*, **10.** 2000: 182).

Finally, in defence of the researcher's analysis in **[7.]**, she looks to May's description of "Postmodernism" and his assertion that:

> It shares, with feminist relativism (see pp. 22-3) the belief that knowledge is both local and contingent and there are no standards beyond particular contexts via which we may judge their truth and [veracity?] (May; 1997: 15).

4.

SQUATTER LEADERSHIP - 'TRADITIONAL' & 'YOUTH'

1. INTRODUCTION

In 1987, speaking about the early years from 1976-1978, Cole describes how Crossroads had;

> ... established and consolidated its social infrastructure. The structures the residents created were distinctive and drew on prior experiences and beliefs. Power structures reflected the urban and rural experiences of its inhabitants. In Crossroads these two traditions merged. Although internal power struggles were not absent from the community, they were limited and therefore easily contained. This, as we have seen, changed with time and circumstance...
> "After the Koornhof intervention, power struggles became endemic in Old Crossroads (Cole, J., 1987: 158).

The "patron-clientelism" spoken of by White, in which strong charismatic personalities wield great power by gaining access to resources which can be used to reward clients and punish opponents presented a very real threat in Crossroads in 1987 and beyond and, as she suggested, has remained an; "...obstacle to democracy and effective development" (White, C. 1993: 01).

2. JOHNSON MKHANDELI NGXOBONGWANA 1987-1990:

By 1987, Johnson Ngxobongwana, the leader of Old Crossroads at the time provided a fitting example of such charismatic leadership having been wooed and won by the apartheid government's new local authority structure put in place in African townships and informal-settlement areas, such as Old Crossroads, in 1986. As Cole reflected;

> Ngxobongwana's tendency to pander to local state officials from time to time remained a constant source of tension within the Executive and amongst some residents in the community. Nobody was ever really sure where he stood (Cole; 1987: 55).

Added to this she related how Ngxobongwana had been successfully "turned" and co-opted by the local authorities during a spell in prison awaiting trial, from January to April 1985, and that, as a result he had radically changed his attitude towards, and had begun to move away from, progressive organisations and the UDF. On his return to Old Crossroads, after his acquittal in June 1985, he had found that alliances had

formed between his headmen and the more politicised militant "youth" (Ibid., 1987: 110 & 111). While he was in jail new dynamics had emerged in the wider area of Crossroads. Rumours had surfaced of a "removal squad" operating in Khayelitsha that led to a wave of unrest spear-headed by militant youth creating;

> ... a crisis of control for both the leadership of Old Crossroads and the state. While UDF activists searched for ways to consolidate their new gains in both Old and New Crossroads, the state looked for ways to divide and rule. After Timo Bezuidenhoud successfully split the solidarity of squatter resistance by the removal to Khayelitsha by offering the various communities eighteen month permits provided they move to Site C, the state concentrated on ways to continue to divide and rule strategies. In 1985, it found an ally in Johnson Ngxobongwana (Ibid., 1987: 160-161).

On his return Ngxobongwana had mobilised his resources, in order to regain control of Old Crossroads and the community. A community which had been; "... formerly a crucible of resistance, became the apple in the eye of the South African State and a monument to its co-optive strategies" (Ibid., 1987: 163).

According to SAPS Director Leonard Knipe's testimony at the TRC KTC (June 1986) Human Rights Violation (HRV) Hearings on the 10th June 1997, Johnson Ngxobongwana had again been arrested, on the 21st July 1986, after the murder of Vuyani Dyabuza and Lukanyiso Finye during July 1986. Knipe added that the arrest had taken place at the "People's Court" at Ngxobongwana's home where an unlicenced "Star 9mm pistol bearing military markings" was confiscated from him:

> A case of sedition and unlawful possesion of a fire-arm was registered against Ngxobongwana ... . The case docket of sedition was investigated under cover in Gugulethu Cr. 191.7.86 and was entrusted to W/O Jooste. ..., others charged were Mostert Ngozi, William Njala, Thandela Mkhefa and Zimasa Mninzi. "SAP 256(a) register - register of cases received by a detective unit and entry 20/7/86 reflects that the case was opened and that it was withdrawn on 13/05/87. The actual case docket has been destroyed (TRC KTC HRV HEARING: Knipe; 10/06/1997: 7).

Knipe went on to describe the events that followed Ngxobongwana's arest which had been, "... reported to the then Divisional Criminal Investigations Officer, Brig. van der Westhuizen (retired from the Police force as a General) who was enthusiastic about the arrest";

> On the early afternoon of the same day that Ngxobongwana appeared in court I received a telephone call from an agitated Brigadier van der Westhuizen. ... he had been severely rebuked because of our

> actions taken against Ngxobongwana ... instructed by either the State President or Minister to see to it that Ngxobongwana was released on bail. I was informed that the authorities were fully conversant with Ngxobongwana's court, that it was not a peoples court but a tribal court (Ibid., 10/06/1997: 9).

Ngxobongwana had continued to be perceived as the squatter leader by the Cape Provincial Administration (CPA) led Crossroads Administration. He, with a newly constituted Working Committee, despite dissension and a low poll (an estimated six thousand out of approximately eighty thousand residents took part in this election and as a result a climate of mistrust and anger at the perceived 'illegitimacy' of the council and its councillors began), was re-elected as chairman of New and Old Crossroads on the 24th February 1986. By early March, he had revealed his communication with Minister Chris Heunis concerning the government's proposed up-grading of Crossroads with the two million rands that had been set aside for this (Cole; 1987: 120 & 121). It had transpired that this would not be without cost in the ensuing operation that Ngxobongwana's 'Witdoeke' vigilantes undertook allegedly on behalf of the local authority so that this development could take place.

Ngxobongwana's election had taken place between the period, from the end of 1985 until the week-end of the 17th May 1986, in which the brutal destruction of satellite squatter camps of the Crossroads complex and KTC began. By the end of December 1985 to mid-January 1986, the power struggle exploded in conflict in New Crossroads between the 'witdoeke' (state supported vigilantes) and the "comrades" (politicised youth in opposition to the state). By the 12th June 1986, according to Cole, hundreds of "witdoeke" with the uncontested support of members of the security forces, ransacked the added areas of, Portland Cement, Nyanga Bush, Nyanga Extension, as well as KTC causing the "forced removal" of some 70,000 squatters. In her statement of the 19th May 1986, Selina Valo gave testimony that:

> At approximately midnight on Saturday 17 May, I looked through my window and witnessed the burning of five houses near my home at Portland Cement ... The people I [saw] starting the fire were two white soldiers, one in a red tracksuit top, and one in a blue and white tracksuit top .... [O]thers were Khethelo, a man who formerly belonged to Mr Toisie's [committee] but who has [now] joined the Crossroads' vigilantes (Valo, S., in Cole; 1987: 131 & 132).

There were further reports at the time of white men wearing balaclavas together with 'witdoeke' and members of the South African Police (SAP) who did nothing to assist residents. Further to this that on moving on to the other areas, along with a build-up of Casspirs standing by, members of the SAP fired on residents, even women who tried to return to their homes to collect their belongings. At least thirteen people were

left dead, seventy-five people were injured, and approximately twenty thousand squatters were left purposefully homeless in this operation, although Ngxobongwana was in the Eastern Cape at the time of the attack (Cole; 1987: 132 & 133).

After 1986, the seeds of coercive dependency had been sewn in 'traditional' squatter hierarchy.

> Strong men in the squatter camps established their rule in defiance of state rule, and forced a form of compromise from a weakened state. In Charney's terms, however, squatter leaders were middle-men, working as informal extensions of the state hierarchy (Graaff, J., & Mathe, V., 2000: 5; & Charney, Ibid.).

In 1987, the changes in local government administration that had taken place further entrenched the co-option and patronage of local leadership in order to implement its "oilspot" theory's strategy that had been selected for Old Crossroads. It was one of thirty-four areas where state resistance was considered to be potentially serious, and which were chosen for political rather then human need expediance (Boraine, A., 1988, & Lloyd in Seegers, 1988, cited in Hansson, D., 1990: 50) (Confirmed by Ulrich Schelhase in his submission to the TRC HRV KTC Hearing on 12/06/1997 at St. Gabriel's Catholic Church Gugulethu). As a result, Ngxobongwana, as the squatter leader in Old Crossroads had drawn closer to the local authority of the Crossroads Administration and Ulrich Schelhase, the Town Clerk, in particular. At that stage, his committee of headmen had numbered sixteen to seventeen with Jeffrey Nongwe as the chairperson and they had been meeting weekly, on Sundays, at the Noxolo School in Section One of Old Crossroads (Wessels, A., 10/12/1996).

2.1. CORRUPPTION CHARGES AGAINST NGXOBONGWANA:

In May 1990, the news came through that;

> The Attorney-General of the Cape, Mr. Niel Rossouw, ... decided not to prosecute Old Crossroads mayor Mr. Johnson Ngxobongwana on fraud charges.
> This brings to an end a lengthy investigation involving the alleged charging of R7 monthly tithes to an estimated 9 000 Old Crossroads households over several years by the Old Crossroads committee. Estimates of the money involved vary between R150 000 and several million rands.
> Mr Rossouw said: 'The evidence is very confused and self-contradictory. In the end we won't have enough evidence to achieve a standard of proof beyond reasonable doubt'" (Cape Times: 18/05/1990).

Ngxobongwana was officially declared mayor of Old Crossroads in September 1989, when the then Minister of Constitutional Development and Planning handed over the mayoral chain.

> Crossroads became an independent local authority on May 1 last year, when the 15 045 registered voters were asked to nominate representatives and seven members of the committee were nominated unopposed, one of whom had since been murdered (Cape Times: Staff Reporter; 11/09/1989).

By September 1990, a further newspaper report described the situation as;

> Old Crossroads, and more specifically Section One, resembled a deserted war zone.
> For more than two weeks faction fighting between these two groups has brought normal community life to a standstill.
> A number of shacks were torched on Wednesday.
> 'I want peace. I am prepared to talk peace', said Mr Nongwe, now a fierce rival of Mr Ngxobogwana, although not so long ago they fought together as "witdoeke" against "comrades". ... .
> "Mr Ngxobogwana's brick house, the only one in the area, was burnt out at the weekend. ... .
> "More than 50 families, whose shacks were burnt, fled to the Noxolo Primary School and moved into the class-rooms, thus forcing the school to close.
> After negotiations, the people moved to the Topcor Training Centre on Wednesday and from there to temporary tents nearby, while others put up shacks near Brown's Farm (Cape Times: 07/09/1990).

Ngxobogwana was away in the Ciskei (his 'Tribal Homeland') at the time, as was often the case when conflict was looming. On his return, hearing his house had been burnt, he went into hiding in the Crossroads town committee offices. Meanwhile, the CPA hurriedly provided an electrified 'site and service' facility for him and his PAC followers at Driftsands an area across the N2 high-way from Khayelitsha (later to become the Tygerberg constituency of the Western Cape for the local government elections of 1996). Other refugees from Section One of Old Crossroads fled to an area beyond Philippi Industria across the Lansdowne Road that became known as Lower Crossroads, some fled to an area across the Eisleben Road from Brown's Farm that became known as Vietnam. Others dispersed to areas further afield, such as Hout Bay, to escape the endemic conflict.

The housing development that had taken place in Phase Two, known as Unathi Village, the disputes that had surrounded it, and the allegations of corruption that had arisen from it, will be described and discussed further in [5.3. & 4: 98-100].

These factors had led to Ngxobongwana's downfall and eventual dismissal from his power-base in Section One in 1990. Jeffrey Nongwe, the chairperson of his headmen/committee was the victor and new incumbent. In the process, Section One of Old Crossroads had been burnt to the ground.

Johnson Ngxobongwana remained mayor of Old Crossroads until 1993.

1994:

In August, according to the HRC;

> Johnson Ngxobongwana, a regional National Party Member of Parliament (NP MP), was allegedly forced to leave the Driftsands squatter community by ANC and PAC supporters. Possible reasons for this attack ... [were] aired at a meeting of the Regional Peace Committee on 7 August (1994). Community members said that funds collected by Mr. Ngxobongwana, allegedly for development, had been misused and the community had not received reportbacks on development in the area. Residents also complained of policing which showed bias in favour of NP supporters 'A group of 30 National Party (NP) squatter supporters were allegedly driven out of Driftsands by PAC and ANC supporters'. This was denied by ANC and PAC Regional offices. The squatters took shelter at the Durbanville police station (HRC: Stent; 10/08/1994).

Ngxobongwana and his supporters had then moved to "Green Place" and informal-settlement area in the bush opposite Delft on the turn-off for Belville from the N2 Highway.

Johnson Ngxobongwana had not been asked to give a submission to the Goldstone Commission Investigating Violence and Intimidation in Old Crossroads in 1993, but he had made a verbal submission to the Cape Town City Council Commission (CTCCC) of Enquiry into the Old Crossroads Crisis of 1998, on the 7th October. In his submission he had stated that he had been working in the Provincial Legislature as a Party Whip for the National Party (NP) (became the New National Party (NNP) early in 1999). The Commission's Report records that;

> On being asked whether or not he had been involved in any way with what is happening in Crossroads he states that he does not remember.
> On being asked whether or not anybody mentioning his name, in terms of involvement in the Crossroads crisis would be a liar, he stated 'No, there were many things he did not remember'. ... .
> Mr. Ngxobongwa subsequently admitted to ongoing con-

> sultation with the Women's Power Group (CTCCC Report: Ngxobongwana, November 1998: 100-101).

In the CTCCC Findings it had stated that;

> ... the primary cause of violence in the Crossroads area would seem to have been and is a fight for power/dominance based on territorial leadership driven by personal needs for financial income and power.
> ... same fight could be viewed as one between the political 'winners', that being, those who gained leadership through the democratic elections process of 1996, and the political 'losers', ... who had stood for election based on their previous leadership roles within the community.
> The traditional leaders such as Mr. Nongwe and Mr. Ngxobongwana still wish to reassert their authority in Crossroads. ... [both were] expelled from the area by more progressive forces in Crossroads. Mr. Ngxobongwana and Mr. Nongwe now have a common cause and are planning their return before the coming elections. As a strategy they are exploiting the differences and conflicts which manifest themselves for their own political ends. They are undermining the position of elected representatives such as the Councillors and the RDP Forum. They have supported the WPG. Their followers in the WPG are the most vocal in the group and are against the resolution of the conflict (CTCCC Findings: November 1998:195-196).

Ulrich Schelhase, as a representative of the Development Board had known Ngxobongwana since 1978 and had worked closely with him in negotiations for the squatter community's socio-economic needs. After the violence of 1986, Schelhase had forged a closer alliance with Ngxobongwana, in accordance with the government's 'Oilspot' strategy, in his role as Town Clerk of Old Crossroads from March 1986 until October 1990. He described Ngxobongwana as:

> A very very dynamic leader but he's ruthless. He's got a will of his own and he's colourful ... hard to convince, but he's a magnificent speaker ... can really mesmerise audiences. That's one big asset that he has got but there are times that he is also a good listener. But I think greed is also, one of his, one of the vices that brings a person down.
> But as a personality he is a kind man, I mean I have seen him help many many people. I have seen him giving people a hiding ... . he was that type of paternalistic strongman type of figure and he had a temper ... he walked out of meetings many times and slammed the door (Schelhase; 11/10/1999).

3. JEFFREY MDAESA NONGWE 1990-1998:

Jeffrey Nongwe was born in the Transkei at Lady Frere on the 25th August 1926. "I tended the goats and the sheep and attended school till Standard Four". The extended family had moved to Wittlesea in the Ciskei in 1964, but Nongwe had never lived there having come with his parents to Langa outside Cape Town in the search of employment in 1941. They had moved from Langa to Gugulethu, and then Nyanga, to escape prosecution when the 'Pass Law' legislation arrests were at their height. They had eventually settled in Section Three of Old Crossroads in 1975. He and his wife and three children had moved to Section Four of Old Crossroads in 1986 (Nongwe, J.M., 26/06/1994).

1987-1990:

3.1. NONGWE IN WAITING:

Until 1990, Nongwe had been chairperson of Johnson Ngxobongwana's headmen/committee in Old Crossroads and was a member of the 'Witdoeke' vigilante group that attacked KTC and New Crossroads with the tacit support of the security forces in 1986.

Like Ngxobongwana, Nongwe had been arrested later in 1986 (on the 22nd October), along with others of the committee while holding a "People Court" and was also found to be in possession of illegal firearms. The Divisional Commissioner, Brigadier During was alleged to have telephoned and instructed their release but a Captain Loocke had refused to comply according to Col. Knipe (TRC KTC HRV Hearing: Knipe; 10/06/1997: 12).

From 1988 to 1990, there had been mounting tension in the communities of Old Crossroads. Tension that had arisen from the anger; firstly, at the selling off of land for private housing development by the Council/CPA, and secondly, surrounding the distribution of the Unathi Village and Topcor houses that the Council had then built in an attempt to ameliorate the situation that had arisen from the first [5.3.4. & 5: 98-101]. In both cases Ngxobongwana had been deeply embroiled in these Council developments that had been instituted by the CPA and supported by the security forces. This had again caused division in the community. A division, exacerbated by UDF/MDM activists/comrades who opposed the apartheid government controlled local authority and the Council that they perceived as illegitimate, between their constituents and the supporters of Ngxobongwana who had aligned themselves with his co-option by the system.

By 1988, the Crossroads Council had been legally constituted as the local authority of the CPA, who at the same time had directed that the Council should be reduced to seven members (Wessels; 28/04/1998). This had entailed the dismissal by Ngxobongwana of many who had been serving on the council. The dismissals had caused resentment and dissent. A dissent which had been further fanned by allegations of corruption levelled against Ngxobongwana. One of these allegations was that he had demanded fifty rands per household/shack to be contributed toward his mayoral celebrations which had been collected by Nongwe and the committee members. It was alleged that these funds had been put to questionable use and that many had refused to pay (Elese; 18/05/1997). A further allegation against Ngxobongwana had been reported in the press as; "... fraudulent practices in the use of money collected from residents purportedly to improve their housing" (Cape Times; 07/12/1989).

Jeffrey Nongwe, at the forefront of these accusations against Ngxbongwana, having seen the opportunity to challenge his authority, had seized it. As chairperson, he had broken away with fourteen of the headmen/committee, leaving five still loyal to Ngxobongwana to operate from his only remaining power-base in Section One of Old Crossroads. Nongwe had immediately begun to challenge Ngxobongwana for the leadership of Old Crossroads. Violence, as described in [5.4. 5 & 6: 99-103], had ensued which resulted in the departure of Ngxobongwana and his followers to Driftsands, leaving Nongwe to install himself as leader in Old Crossroads, although Ngxobongwana officially remained as mayor until 1993.

It had, by then, become expedient for the CPA to recognise Nongwe as the new urban and informal-settlement "leader" in Old Crossroads, and to similarly coerce and co-opt him to serve their development purpose as they had Ngxobongwana. The apartheid system's "oilspot" strategy that had been planned for the community of Old Crossroads had remained in place. It was Nongwe's turn to taste the political and financial benefits to be gained from bargaining with the State. Like Ngxobongwana before him, Nongwe had no visible employment, he needed all the shack rents and levies that he could extract from the constituencies of Old Crossroads to supplement any of the CPA's local authority patronage.

Thus, it had become incumbent on Nongwe, on behalf of the Crossroads Council/CPA, to persuade the residents of Section One in Old Crossroads to move to Lower Crossroads so that the infrastructure of Section One could begin. Nongwe had endeavoured to effect this with the promise to residents that they would return to brick houses in three months time. The Crossroads Administration had, subsequently, denied their part in this, and had revealed that only 'site and service' development had

been planned for this area in 1990 (Wessels; 10/11/1996) **[4.2.1**: 34, & **5.4**: 99**]**. During April 1990, the perimeter houses of Unathi Village had been the target of arson attacks. These attacks had allegedly been perpetrated by members of Nongwe's headmen/committee supported by police "kitskonstabels" on the houses of people who had been receiving keys to the "brick houses" from the Council, and Ngxobongwana as Mayor had been perceived to be implicated in this as well as having allowed the sale of CPA land to private developers (Elese; 01/04/1994).

In 1990, with the release from prison of Nelson Mandela and the political prisoners, and the unbanning of political parties, the consolidation of political allegiance had become an expedient step in the legitimisation of leadership in all the residential areas of the country, and the informal-settlement and African township areas, were no exception. As a Umac monitor remarked at the time, at a Resource Forum meeting:

> Expediency caused leadership to latch on to political groups. Those involved in the dispute were essentially war-lords who lacked the discipline of a political party and would not respond to discipline from the parties they purported to espouse. The primary cause of the violence was competition for resources. The town council was not honouring the promises made that land would be made available to people (Resource Forum; Snel, S., UMAC; 15/10/1990).

Whilst Johnson Ngxobongwana had aligned himself with the PAC, when it became expedient to do so with the change in political climate in 1990, Jeffrey Nongwe had siezed the opportunity of aligning himself and his followers with the ANC. With the backing of Christmas Tinto, he had appealed to the ANC for permission to set-up a branch of the ANC in Old Crossroads. In June 1990, he had been installed as chairperson of the Old Crossroads branch. This, in turn, had strengthened his bargaining power between both the ANC and the CPA. However, it was alleged that he had never genuinely aligned himself with authentic ANC beliefs and policies, and further, that he had never made any attempt to educate his followers in these (Elese; 18/05/1997).

Also in 1990, a young MK trained ANC activist, Depoutch "Whitey" Elese, had emerged as a potential threat to Nongwe's leadership. In 1989, Elese had been brought back from exile and infiltrated into the area of Old Crossroads by the ANC Executive to start democratising and organising the youth there. Nongwe, alerted to his purpose probably by the local security force, had allegedly succeeded in removing Elese from Boy's Town by means of arson attacks perpetrated by members of his headmen/committee supported by "kitskonstabels". Elese had then joined his Aunt and Uncle in Unathi Village and started organising the youth in Old Crossroads to

challenge Nongwe's "traditional" autocratic style of leadership, and its headmen system (Elese; 01/04/1994).

1991:

3.2. NONGWE ASSUMES CONTROL:

By March 1991, Elese and members of his committee had been permitted by the ANC National Executive Committee to set-up an alternative branch of the ANC in Unathi Village of Old Crossroads **[4.4.2: 70]**.

Also by 1991, there had been similar allegations of corruption levelled against Nongwe as he had previously levelled against Ngxobongwana. It was alleged that, through his headmen/committee, Nongwe had been collecting five rands per month from house-holders and shack-owners and that people had been forced to join Wecusa (Western Cape United Squatter Association). Wecusa had been a recently formed alternative to Wecca (Western Cape Civic Association), and the predominant civic in the urban areas, Sanco (South African National Civic Organisation). The introduction and development of Wecusa had been the responsibility of Conrad Sandile, a mysterious role-player, who was alleged to be a member of Military Intelligence (MI). Sandile was alleged to have been sent to the Western Cape from Natal Province to implement the same pattern of violence as had been experienced there. Nongwe had then become chairperson of Wecusa, as well as the ANC, in Old Crossroads.

There had been reports of a 'kangaroo' court at Nongwe's home in Section Four where his headmen had been alleged to have held 'trials' for minor offences. It had been alleged that any serious cases were heard by Nongwe himself, and that he had the final say over his committee in passing sentence in the form of fines and that if the accused could not pay he, or she, would be imprisoned until a relative was able to pay the fine (Elese; 01/04,1994).

Earlier in the year, the mounting violence in Old Crossroads had led to the appointment of an ANC Peace Commission to look into the causes of the violence in Old Crossroads and to mediate the situation in an attempt to ameliorate the, by now, two deeply divided branches of the ANC. Meetings had been held with both sides, and other rival groupings and political parties, and eventually agreement had been reached to hold a joint mass community meeting at the "buffer zone" between Unathi Village and Section Four, on the 25th August. The meeting, which was reported to have been attended by between two to three hundred people, had been disrupted by stone-throwing that was alleged to have been started by PAC youth (allegedly trained

by Elvis Mlambo Gokwe, a Topcor Training Centre employee, a body-guard of Ngxobongwana and an associate of Ulrich Schelhase), which had then been reciprocated by stone-throwing from the other side. There had been no attempt by the security forces present to intervene and the meeting had to be abandoned (Diba, V., 25/08/1991). Later the same day monitors were invited to accompany the commissioners into Section Four and to meet some of the leaders gathered at Nongwe's home. Nongwe's home was a shack built with corrugated iron and wood much like any other inhabited by the residents of informal-settlement areas. But it was larger and had a further chamber at the back for meetings and where, it was alleged, informal justice was meted-out by Nongwe and his headmen/committee (Greenwell, A., 25/08/1991).

Guided by the ANC Peace Commission, negotiations had continued but tensions continued to run high. Women from Unathi Village, in particular, had reported that many of them had lost their homes in the arson attacks that they had attributed to members of Nongwe's headmen/committee. A group of them had shared their concerns with Black Sash monitors at the ongoing violence, their ignorance of the current state of affairs, and accused Nongwe of being the source of all their problems (Greenwell; 16/08/1991). Subsequently, arrangements had been made for them to meet with ANC Peace Committee members on two occasions, but attempts by them to bring them to-gether with Nongwe had failed. On their arrival at the ANC's Athlone offices, he had refused to meet with them, saying he would speak only with the husband of one of them who had survived the conflict (Hamse, M., 19/09/1991).

Nongwe, meanwhile, had been chasing away the youth from Section Four who had begun to challenge his authoritarian "traditional" style of leadership, and they were reputed to have been seeking refuge with families in Unathi Village. This had led to arson attacks on the houses of people suspected of being implicated. There were reports that Nongwe had not been attending meetings, or informing his headmen/committee of these meetings, which had put the negotiations at risk. However, the killing of the fifteen year old PAC chairperson and the wounding of two others, allegedly by members of Nongwe's headmen/committee, had led to reprisal attacks by opposing youths who had been identified and sanctioned by their community. This had appeared to reconcile the two factions. Aided by the ANC Peace Commission at a joint meeting, it had been agreed not to report the matter to the police but instead to try and build some communality in the differing constituencies of Old Crossroads (Diba; 18/09/1991).

1992:

3.3. NONGWE'S TAXI-WAR INVOLVEMENT:

The court case and conviction of 'Allion' Gxokwe, in February 1992, had effectively closed down the council's training and arming of youth to protect the recipients of its patronage in Old Crossroads **[5.6**: 101**]**. Nongwe, in looking elsewhere for the protection of his leadership, had welcomed Webta taxi drivers/owners in Section Four at the time of the Taxi-War. Some of them supplemented his headmen/committee and formed a body-guard known as the "Big Eight". In return for the relative safe-haven ensured by Nongwe's links with the local council administration supported by a lack of interference from the security forces, this vigilante group subsequently provided hit-squad services on behalf of Nongwe and his local authority manipulators, in 1993 **[RD:** March & April 1992**]**.

Nongwe's new-found security independent from the local authority structures had been further compounded by the drawing to-gether of the two ANC factions in Old Crossroads after the murder of an ANC activist, Buntubakhe Ndemane, on the 13th May, had led to a closing of community ranks and a consolidation of opposition to the Crossroads Council Administration **[5.6**: 101**]**.

On the 15th May, there was a joint community meeting at the Topcor Training Centre hall chaired by Jeffrey Nongwe to which Jan van Eyk, and monitors from Umac, Val Rose-Christie and Margie Probyn had been welcomed. At this meeting, a community march to the Unathi sattelite police station followed and thereafter the Administration offices was planned for the following week-end. On the 22nd May, Jeffrey Nongwe and Depoutch Elese led the march of the community of Old Crossroads united against the local government authority and their supporting security forces (Greenwell; 22/05/1992).

On the day of the march, an interview with Nongwe appeared in the press in which he;

> ... demanded that his former leader and ally, Crossroads mayor, Mr. Johnson Ngxobongwana, be removed from the squatter-camp's affairs because he no longer lives in the area.
> ... Nongwe also questions Mr. Ngxobongwans's status as mayor of Crossroads, since 'his whole constituency is at Driftsands'.
> Crossroads town clerk Mr. Tollie Thorpe declined to comment on the situation at the squatter camp" (Khayelagunya Argus; Kama; 22/05/1992).

However, by the end of the year, Nongwe's show of independence had appeared to have strengthened his hand with the local authority/CPA. Depoutch Elese had

remained the target of low-intensity destabilisation while the surrounding informal-settlement areas of Boy's Town and Sections One, Two, Three and Four had seemed to be less affected, and Nongwe had appeared to be regaining his autocratic hold on those other areas **[RD:** September-December 1992**]**.

1993:

3.4. NONGWE HEADMAN DEFECTS - DIVISION and VIOLENCE:

Late in 1992, or near the beginning of 1993, Nongwe had appointed an 'interim committee' at Noxolo School in Section One of Old Crossroads unbeknown to the original committee of teachers and parents and therefore, unrecognised by them. When the parents and teachers had tried to meet on the 2nd March, they and some of the children had been chased away and some had been beaten by Nongwe's supporters. There had been conflict also over staff appointments. Approximately, seven teachers were alleged to have been supporting the new 'interim committee' which had decided that only Standards Three, Four and Five pupils would be taught in future, and these children had already arrived to be taught (Black Sash: Cardoso, P., 03/03/1993).

Subsequently, a delegation of fifteen parents had visited the Black Sash Advice Office. With the help of an interpreter, the parents had relayed their fears and the danger they felt from Mr. Nongwe who they alleged was establishing a power-base in the area. They reported that he had "dismissed" nineteen teachers from the Noxolo School and that many of the children were staying away. They maintained that they represented the majority of the residents as non-supporters of Nongwe (Black Sash: Philcox, S., 04/03/1993). The Black Sash had then alerted the ANC and the other monitoring organisations.

A spokesperson confirmed that the DET had, at that stage, been paying the salaries of all the teachers, the principal and a secretary, and had more recently begun to provide the textbooks and basic supplies. She confirmed that the principal, who was on study leave, had reported that twenty-seven teachers had been fired by Nongwe as well as the chairperson of the PTA. She cited one teacher, a supporter of Nongwe, who had been a trouble-maker over the years and was now acting principal;

> Another of the remaining teachers is the son of 'Mama Luke', a close supporter of Nongwe. The representative had met with two senior members of the ANC late last year and had informed them of her worries concerning the extent of Nongwe's power

> in the community and the unhealthy way in which community politics were affecting the running of the school. She was later informed by the ANC that the matter had been dealt with (Black Sash; Telephone conversation with 'Education Alive'; Cardoso; & Abrahams; 12/03/1993).

The ANC had apparently taken no action, and the situation had deteriorated further with the defection of one of Nongwe's headmen, Amos Nyhakatyha, to Boy's Town where he had set-up a branch of the SACP (South African Communist Party) and had become the target of the first wave of violence perpetrated by Nongwe's Big Eight body-guards. The spread of this violence and subsequent reciprocal violence from March till the institution of the Goldstone Commission of Enquiry in July is described in [5.8 & 9: 104-107].

The attack on the Elese home in Unathi Village, on the 19th March, in which Joyce Ndinisa Elese, Sicelo Pauli and Timothy Soga had been killed, had allegedly targeted Depoutch Elese. Although the attack was claimed to have been a PAC "Task Force" operation, it was alleged as common knowledge to have been executed on the orders of Nongwe.

A major wave of arson attacks had started, on the 15th April, as a result of the refusal of residents of Sections Two and Three of Old Crossroads to move to Lower Crossroads as demanded by Nongwe on behalf of the local authority of the CPA. Yet again, Nongwe had promised them that they would return to brick houses, but residents had refused to believe him as no development had taken place in Section One. This and the subsequent attacks by his body-guards/Big Eight gang had resulted in the complete demolition of Section Three and much of Section Two.

Particularly disturbing to monitors had been the abduction of a fourteen year old boy, Siyabulela Khobo, from Section Two of Old Crossroads. On the morning of the 22nd May, he had been pushing his punctured bicycle across vacant land between Sections Two and Four when he was accosted by two armed men, dragged to a nearby cream coloured "kombi" (mini-bus) and forced to get inside where there had been three other men with guns. He had recognised the driver as "Small" (Victor Sam, a member of the Big Eight gang) who he had seen before at the "taxi Terminus". "The kombi went to a place where an old man named Nongwe lives". He described how he had been forced out of the kombi, kicked by the men, blind-folded, his hands bound, and taken to a hall behind Nongwe's shack, the perpetrators still pushing, kicking him and beating him with their fists. "My coat was full of blood". Two policemen had been shot the previous week and he was told that the police were coming to investigate;

> I was instructed to say that I had witnessed the shooting and that

> the culprits were Mgebe (who lives in Buntubakhe) [Unathi Village] and Qebeyi (who is a 17yr old youth who lives in Section 2). ... if I didn't say these things, then I would be killed. ...they demanded to know where the people in Unathi hid their weapons. ... I got scared, and said the weapons were kept in house number 1526. I just made up any number (Statement given to the Trauma Centre; Winslow, T., & NIM; Greenwell; 24/05/1993).

The police had then arrived, and the rest of the statement is reflected in **[6.**10: 162**]**.

In the subsequent court case brought against Nongwe and his body-guards, Mubulelo Victor Sam (28yrs), Sicelo Loleka (20yrs) and Simphiwe Vincent Booi (39yrs), all the accused were acquitted, and the Magistrate had condoned "Mr. Nongwe" on making a "citizen's arrest" (Greenwell; 13/10/1993).

At the Goldstone Commission hearings which had begun on the 2nd July, among the submissions heard was one from Siyabulela Khobo. Cape Town newspapers reported on his submission in some depth and one quoted Advocate Johnny de Lange, Khobo's legal council, as saying; "... that if what Mr. AA [Khobo's alias] had testified was true it pointed to collusion between Mr. Nongwe and the police (Argus: Cruywagen; 03/07/1993)".

During Nongwe's submission to the Goldstone Commission Hearings he had complained that monitors had been seen in, "a red Toyota Conquest in particular" [the researcher's], in other areas of Old Crossroads and that there had been talk of statements having been taken, but that no monitors had been to see him or to take statements in Section Four. The researcher had been warned not to enter Section Four by the director of Umac, but had been asked to concentrate on the other areas of Old Crossroads. However, Nongwe's plea had given monitors the opportunity to rectify the apparent partiality of the monitoring situation. On the 20th July, Lou Harding (NIM/Black Sash) and the researcher visited Section Four with Tom Winslow (Trauma Centre) to take assessment particulars at Nongwe's home from victims of arson attacks, injury, intimidation and, or, loss or damage to property for emergency relief. The researcher had then offered to take statements from victims who were able to identify the perpetrators of violence so that these could be followed up with the Nyanga police. She subsequently took eight statements for NIM which helped to establish the extent of the reciprocal violent counter-attacks that had taken place over the four months since the 15th April. One of these statements was given by Nongwe's son, Xolisile, who had been shot in the arm outside the gates of the Mandela High School in Old Crossroads on the 22nd June 1993. In his statement he said; "Victor Qebeyi is the one who shot me. He is about 18yrs of medium to tall height and dark skinned and clean-shaven" (Statement given by Nongwe, X., to NIM: Greenwell;

28/07/1993). Xolisile, had allegedly brandished his father's gun in school the week before which had sparked off several incidents of violence involving students.

These visits to Section Four had provided a valuable opportunity for the researcher to get to know Jeffrey Nongwe better and to meet his wife and some of his family. It had been the start of an association in which the researcher had always been welcomed with respect and kindness. Both Christopher Toise (previously a squatter leader in Brown's Farm) and Jerry Tutu (previously a squatter leader in Greenpoint Khayelitsha) had been living in Section Four at the time and were often present on these occasions **[RD:** July/August 1993].

However, it had been a very angry Nongwe and some of his followers from Section Four and the PAC in Old Crossroads who met with the LPC convenors, a facilitator from CIS and NIM monitors at a meeting held at the "White Office" (rented by the PAC from the Crossroads Administration), on the 5th September. The intention had been to inform and explain to the meeting the function of the LPC, its relationship to the RPC, and the relevance of NIM monitors. However, the constituency members present had expected those of the other areas and, in particular, Unathi Village and Depoutch Elese, to be present and proceeded to make accusations against him so that no progress was achieved (Greenwell; 05/09/1993). Later in the month the ANC had convened a meeting with Nongwe of Section Four, Nyhakatyha of Boy's Town (formerly of Section Four), Gwayi and Mithana of Lower Crossroads (both formerly of Section Two), Toisie (previously of Brown's Farm) all "traditional leaders" of Old Crossroads, but without Depoutch Elese of Unathi Village.

It was also reported that Nongwe had allegedly met with Maj. Dolf Odendaal (SAP) who had advised him to move to Lower Crossroads to assist W/O Grobler (who had been at the Unathi sattelite police station) at the new police station there [the building of this police station had caused a great deal of anger amongst the residents of Lower Crossroads as they had wanted a clinic or a pre-primary school in its place] (Resource Forum Meeting: Mkhize; 13/09/1993).

On the 21st September, in response to a telephone call from Mrs Nongwe, Susan Conjwa, the Red Cross representative from Nyanga, and the researcher had joined a meeting with twenty-five women from Section Four. They had gathered in the hall behind the Nongwe home to hear about the Mothers of Crossroads and their desire to unite with women in all the areas of Old Crossroads in order to promote peace and put an end to the violence. Many questions were asked and much interest was shown, and a warm atmosphere had prevailed. As we left, one of the women explained that they would like to join the Mothers of Crossroads, but that they were; "... kept in a tin".

We realised that it had been far from easy for them to attend this meeting or to attend any in the future. Mrs Nongwe was not present in the meeting despite having contacted the researcher and having initiated the visit (Greenwell; 21/09/1993).

After the Peace Media produced video, on Old Crossroads, premiered at the UWC Library on the 7th October, Nongwe, who had arrived late with an all male bus-load walked out in a rage. There had been a heated discussion following the showing in which he claimed that the media treatment had been biased against him and his followers (Greenwell; 07/10/1993).

The findings of the Goldstone Commission of Enquiry on Old Crossroads had been released early in December. On the 9th December, an article in a Cape Town newspaper reported that squatter leaders had dismissed the findings of the Goldstone Commission; "... as 'biased, one-sided and completely unacceptable' (Cape Argus; Moloinyane, E., 09/12/1993)".

1994:

3.5. NONGWE RE-GROUPS:

Early in the new year, Nongwe's political rival, Depoutch Elese, had enlisted in the SADF leaving their respective branches of the ANC to work together towards the first democratic General Election. However, by February, there had been reports of renewed violence and several atta cks on Amos Nyhakatyha in Boy's Town. It was rumoured that he, Trevor Waka (who had also been attacked) and the Rev. Mhambi (chairperson of the Boy's Town Sanco branch) had been trying to broker peace between Sections Two and Four, and Boy's Town (Statements given by Nyhakatyha & Waka to NIM: Greenwell; 21/02/1994). After a fire-bomb attack on his home in Boy's Town on the 12th February, Nyhakatyha moved to Site B in Khayelitsha (SADF; Erasmus, Lieut., 12/02/1994). The attackers in these incidents had been identified as known criminals who had allegedly been hired to perpetrate the attacks, but it had been unclear on whose behalf. Nevertheless, it had insured Nongwe's continued leadership in Old Crossroads. From March, Old Crossroads had remained peaceful and preparations for the general election, in securing personal ID books or 'voter cards' in time to vote and voter-education, had been stepped up by the ANC alongside other NGO initiatives **[RD:** January, February & March 1994**]**.

Later in the year, after what had appeared to have been a peaceful transition to democratic ANC government, there had been an up-surge in the "Taxi War" starting in Khayetlitsha. There had been renewed arson attacks on homes in what remained of

Section Two and the Boy's Town area of Old Crossroads. A newspaper report suggested that;

> Crossroads is the headquarters of both the Cape Amalgamated Taxi Association (CATA) and the Western Cape United Squatters Association (Wecusa), led by Jeffrey Nongwe.
> ... shack torchings began again on October 8.
> Prominent ANC leader and Crossroads Section Two SANCO committee member John Willem was murdered on the day the shack burning began.
> By the end of October, more than 200 homeless people were sheltering at the Mfesane Centre and a clinic.
> Residents said the arsonists came from Boys Town, ...,
> and from Section Four.

Later in the same article, it was explained how on the 25th August, Cata (Cape Amalgamated Taxi Association) a rival taxi organisation to Codeta (Coalition of Democratic Taxi Associations) was formed;

> A group within the former Webta, known as the Big Eight, were feared in the townships for their 'propensity for violence' ... .
> Cata's formation was allegedly spearheaded by the Big Eight when one of their leaders, Victor Sam, was released from jail in June. Cata claimed Codeta were not addressing their complaints.

In the article it reported that Codeta members had been harassed and intimidated by Cata members during August and September. It also reported on conflict that had erupted at a Sanco local government election rally, on the 16th October, at the Khayelitsha Stadium in which ten people had died. One of these had been a Codeta member and about six had been members of Cata. An HRC report was quoted as revealing that;

> 'There are allegations from self-defence unit members in Crossroads that Big Eight members received state-aided combat training just outside Cape Town, and the professionalism of their attacks does nothing to dispel this perception'.
> The HRC attributes 'directly or indirectly' all 14 'political deaths' in Cape Town last month to the Big Eight as well as 45 of the 113 injuries and 18 of the 25 incidents.

In a footnote to the same article it was noted that;

> Mr. Sam is presently facing a double murder charge in the Supreme Court. He was granted bail of R10,000. He was subsequently arrested for another murder and granted a further R4,000 bail. Then he was arrested for kidnapping and murder, and has been involved

in a protracted bail application since last week (Cape Argus: Friedman; 30/11/1994).

The HRC reported that ten shacks in Boy's Town had been burnt on the 24th October. Community reports had suggested that it had been connected to the expulsion of Big Eight members from the area, where they had been trying to gain support for Nongwe and Wecusa in Section Four, in a conflict with Section Two which aligned strongly with the ANC/Sanco. The community had also reported division in the Boy's Town Sanco committee with regard to the support of Nongwe, and displeasure at the recent establishment of a Cata taxi rank in Boy's Town. Meanwhile, the Boy's Town Sanco chairperson, the Rev. Mhambi, was alleged be supporting Nongwe (HRC Report: Stent; 29/11/1994).

Despite any shared ANC allegiance, the battle lines had been drawn between Wecusa and Sanco, and new-found democracy had been rejected for reactionary criminal, rather than negotiated solutions. Early in December, Amos Nyhakathya had been killed in Site B Khayelitsha. There were allegations that the killing had been Sanco related but this was never proved.

A newspaper report on the 14th December had announced the steering committee of the Cape Town Metropolitan Forum's final list of representatives for the Transitional Metropolitan Council (TMC), and the Transitional Metropolitan Sub-Structures (TMSes), as interim structures until the Local Government Elections (LGE) had taken place. Jerry Tutu's name had appeared on the list for the former with Jeffrey Nongwe as an alternate, and Nongwe's name had been on the list for the latter (Argus South: Staff Reporter; 14/12/1994). Nongwe's position as the leader of Old Crossroads had been affirmed. On the National Gun-Free Day, the 16th December, attempts to persuade Nongwe and his followers to surrender their fire-arms had failed predictably, as it had in all the African urban and informal-settlement areas **[RD:** November & December 1994**]**.

1995:

3.6. NONGWE AT THE HELM:

Sporadic violence had continued between Boy's Town (upper) and Section Four, and Boy's Town (lower) and Section Two (who they had supported in their continued refusal to move). On the 8th January, the Rev. Mhambi headed a delegation from Boy's Town and Section Four to the Nyanga police station to present a list of demands to the station commander, Lieut. Theron **[6.**12: 175]. On the 28th January, the Rev. Mhambi was shot dead by shots fired from a "toyi-toyi" of approximately two

hundred people coming from the funeral of Simon "Fatty" Mqulwana who had died after a petrol-bomb attack at his home on the 11th January. On the same day [28th], Sidwell Sityebi (Sanco Brown's Farm) had also been killed.

An HRC report issued in January, described the situation in Old Crossroads as;

> In a Crossroads poised between the country's first democratic general election and its long-awaited local-government election, the various groupings and their former allies have - to some extent anyway - parted ways, and members of civic or residents' associations, street committees, self-defence units, development forums and other groupings demonstrate increasingly fluid or irrelevant party-political allegiances (HRC Annual Report: Stent; 1994-1995).

There had been an Old Crossroads community meeting, on the 19th February, at which all the key role-players in the area apart from the Sanco Regional Executive had been present, to which Nongwe had objected. He had also objected to the fact that people who he described as "immigrants" from areas such as, Lower Crossroads, Vietnam and the wider areas had been present (Diba; 20/02/1995).

A Unathi Village ANC committee member had reported that the Unathi/Buntubakhe and Section Four branches of the ANC had been meeting, and that registration for the local government elections had been going well apart from the areas of Section Two and Boy's Town where there was no ANC committee and little organisation had been taking place. He remarked that he still felt that Nongwe might co-operate with the RDP (Reconstruction and Development Programme) (Tyalimpi, L., 24/02/1995).

A visit to Jeffrey Nongwe in Section Four on the 4th April had confirmed preparations for the coming LGE. A young woman with a tray of new ID books for collection remained on duty at Nongwe's shack from eight o'clock in the mornings until four o'clock in the afternoon each day until the election days. After four o'clock the tray was taken to the home of Alice Nqintza Mambatane (Sanco representative since the Rev. Mhambi's death, also the sister-in-law of Nongwe who had run away from him in Section Four with Nyhaktyha and his wife late in 1992) where residents from Boy's Town and Section Two were able to collect their ID books until ten o'clock at night.

Nongwe had seemed genuinely pleased by the outcome of the Peace Rally, on the 19th March, and replying to a question about when he thought development might begin he had replied that he could see no reason why it might not start in Sections One and Three. He had further suggested that residents of Lower Crossroads might be

brought back to the area once it had been developed. Questioned as to whether the development would be for "brick houses", he had hesitated saying that they had been told there was not enough money to build houses. Questioned about his informal-settlement area of Section Four, he had replied that he and the residents there would have to move to other areas. He mentioned the housing development taking place in Delft as a possible venue for him and his family.

Nongwe had confirmed that he and Jerry Tutu had been attending TMC meetings as Wecusa representatives. Tutu was present and said that he was living in Section Four. They both admitted that there had been differences of opinion between Wecusa and Sanco. Nongwe seemed genuinely concerned about the lack of political knowledge surrounding the LGEs among the constituents of Old Crossroads and their lack of understanding concerning the need to vote again in the LGE in their respective Wards. He appealed for 'voter-education' and requested the help of the Women's Peace Movement (previously the Mothers of Crossroads) for this. Before leaving, the researcher had requested a return visit with a BBC (British Broadcasting Corporation) TV producer to which Nongwe had agreed and had said that he would try to arrange for a meeting with Stulo ("Tshawe" of the Big Eight gang) who he said had witnessed the "toyi-toyi" at which the Rev. Mhambi had been shot dead. On leaving, the researcher had remarked on the absence of the ANC flag that had previously flown on the hill behind Nongwe's home. She asked him whether he was still a member of the ANC, to which he had laughingly replied, "Of course". There had already been a comment that both he and Tutu were hoping to strengthen the government from their TMC base. Both had agreed to assist the researcher with this dissertation. She took photographs of them with Mrs Nongwe. Mrs Nongwe had then washed fruit under the nearby stand-pipe as a departing gift (Nongwe & Tutu; 04/04/1995).

On the return visit with the BBC TV producer on the 23rd May, the welcome had been as warm as ever. Nongwe took us up the hill behind his home to show us the full extent of Old Crossroads, its proximity to the Cape Town International airport's flight path and the open space down below that had been awaiting development. He reiterated that he saw no reason why development could not begin. [According to Malibongwe Sophangisa (Eluxolweni) Wecusa had not been attending RDP meetings]. When questioned about the non-attendance of Wecusa at RDP meetings, Nongwe replied that they were due to meet the following week and that he would contact Eluxolweni afterwards. In response to a query about Wecca he explained that it was an umbrella body incorporating Wecusa. Stulo had not been available as he had hoped (Nongwe: 23/05/1995) **[RD:** May 1995].

At an Eluxolweni Director's meeting on the 5th June, it was reported that both Jeffrey

Nongwe and his wife had been seriously injured in a car accident on their return from the Eastern Cape. The following day it had been rumoured that Nongwe had died. This had soon been refuted but that he was unconscious in the Intensive Care Unit (ICU) at Tygerberg Hospital had been confirmed. He remained unconscious for many weeks. The accident had been due to cattle crossing a road and had no sinister connotations **[RD:** June 1995**]**.

On the 14th July, the researcher had visited Mrs Nongwe at the Tygerberg Hospital and found her brave and positive after a hip replacement operation but left with a multiple break in the other lower leg. She urged the researcher to visit her husband who had re-gained consciousness the day before. Awakened by a nurse, Nongwe had smiled broadly in recognition and with difficulty spoke in welcome. The visit had been brief, but had dispelled any suggestion that Nongwe might have been left brain-damaged after the accident (Nongwe & Nongwe, Mrs., 14/07/1995).

On the 17th July, Nongwe's Wecusa Secretary, Wellington Nkosinati Maphasa had been shot and there had been reports of serious conflict between ANC and PAC youth in Unathi Village (Eluxolweni: Sophangisa; 20/07/1995). Enquiring about the Maphasa shooting at the PAC's "White Office" (allegedly where PAC youth had been armed and trained by Gxokwe since his release from prison early in 1994), Elsie Mkhumbuzi had arranged to accompany the researcher with Sylvia Ngozi to visit Maphasa's wife in Section Four to arrange for a Red Cross welfare visit. Mkhumbuzi had been identified as an "agent provocateur" [presumably of the NP government or a 'third force'] at a Resource Forum meeting in 1992 (Umac: Snel; 25/08/1992). Her son had been one of the three Apla youth who had been convicted for their part in the St. James Church massacre before the General Election of 1994 (they were granted amnesty by the TRC in 1998). Both women were known PAC activists living in Unathi Village and Ngozi, as a Wecusa committee member was closely aligned to Nongwe. Both had expressed their concern at the behaviour of the youth in their area. The alleged criminal activities of the "Junior Big Eight" youth gang that had been widely reported had confirmed this. The researcher had experienced some hostility and mistrust from the youth while waiting at the "White Office". She had been informed by them that they were members of Apla (the armed wing of the PAC) and were waiting for someone who would not want to be seen by her. It had emerged later that the Maphasa shooting by "Teenage" Naki (Junior Big Eight and identified in many statemts) had been an internal 'traditional' vs 'youth' disagreement after Maphasa had threatened Naki's mother (an ANC activist living in Unathi Village).

Meanwhile, the problems between Sanco and Wecusa had re-emerged with Wecusa in Section Four re-constituting their alternative development forum, as the Crossroads

Resident's Association (CRORA). This forum, in opposition to the local branch of the ANC National Government RDP's efforts to promote development in Old Crossroads, had retained close alliance with the transitional local government council and the CPA's local administration. William Sidinana (Mayor of the Old Crossroads Transitional Council since1994), had become the ANC chairperson for Section Four **[RD:** July 1995].

During August, Nongwe had been discharged from hospital and was staying with his sister at Grabouw but had been visiting Old Crossroads daily until his wife was discharged from the Conradie orthopaedic hospital. In Nongwe's absence, the Crora grouping had been consolidating and developing more radically than its Wecusa breeding ground. An ANCWL (African National Congress Womens League) activist had reported on the growing tension between ANC officials in Phase One, Section Four and Unathi Village, and between the Wecusa and Sanco officials there (Dasi, S., 25/08/1995). This had been confirmed by Eluxolweni where it was reported that Disemba (ANC and Sanco) had been attacked and chased away to Section Two by Gotyombi (ANC and Wecusa) outside a meeting in Section Four, and that William Sidinana (ANC, mayor of Old Crossroads) had been involved in the incident (Sophangisa, M., 25/08/1995) **[RD:** August 1995].

Visiting Nongwe in Section Four in September, the researcher had found that his wife had been discharged from hospital but would be unable to walk for six weeks. He had enquired why the researcher had not returned to see him in hospital so it was clear that his memory had not been impaired and apart from some difficulty in talking he appeared well and in good spirits. He requested assistance in finding a wheel-chair for his wife as the local Day-hospital had not been able to supply one. The researcher had been able to borrow one for a few months from the Nyanga Medical Centre. Accompanied by the Nyanga Red Cross representative, who had admitted that he would not have gone into Section Four on his own because of the violent reputation of the youth gang based there, the wheel-chair had been delivered the same afternoon. While at the Nongwe home, a Cata mini-bus taxi had arrived and a youth alighted placing a revolver inside his belt. Informed of a meeting due to take place at the Crossroads Community Hall that afternoon, Nongwe had expressed interest and requested a lift to the hall (Nongwe; 05/09/1995).

This meeting, on the 5th September, had not been easy according to the director of Eluxolweni who had facilitated it. It had concerned the building of the new Noxolo School (later to become the Sikelela Imizamo Yethu P.P. School). The building had been contracted to a Mr. Langa of Philippi East who had been using his own labour instead of hiring it locally from the surrounding areas, which the school would serve.

The use of local labour had become a requirement of the RDP since justifiable demands from the informal-settlement sector through their Wecusa structure. There had been further dissent because of the alleged lack of proper community consultation over the development of the school by the DET, and that a DET representative should have been present at the meeting. Sophangisa had visited the school the next day and had discovered from the Principal that Loleka, of the Section Four committee, had been present at the planning meeting where the development had been agreed upon. The Principal had considered the presence of the DET representative at the meeting to have been irrelevant as the representative was new to the job and knew nothing of the area. It had been agreed that the next step would be to arrange a meeting between the Principal and the Section Four committee, consisting of Nongwe, Stulo, Loleka (who worked for the local ANC MP, Mnyamezeli Booi at the Crossroads Community Hall Constituency Office) and Gotyombe (who worked at Noxolo School as a security guard). These two had also been known as body-guards of Nongwe. There had been renewed fears that Nongwe had been trying to control the development and running of the new school as he had the old school, early in 1993, and before. Added to this an uneasy situation had arisen with Cata taxi-drivers attempting to gain more patronage and control of routes and ranks in of Old Crossroads, with the Junior Big Eight gang contributing to the intimidation. The latter's activities were alleged to have originated from a "shebeen" (liquor outlet) owned by Maina in Unathi Village (Eluxolweni: Sophangisa; 08/09/1995).

During September, Malibongwe Sophangisa's dual position as Director of Eluxolweni a nd interim chairperson of the Nyanga CPF had been severely compromised and undermined by two separate units of the police in Section Four while mounting separate 'search and seizure' and arrest operations. These incidents and the meetings surrounding them will be discussed and further reported on in **[6.19]**. A subsequent rape charge against Sophangisa had allegedly been initiated by Thembasile, a member of the Big Eight gang in Section Four who lived in White City Nyanga East (Umac: Jensen; 12/10/1995).

A newspaper article on the 2nd October, reported that;

> The Mayor of Crossroads, William Stinana [Sidinana], has testified at an urgent bail application on behalf of a man alleged to be the leader of a gang that has Crossroads in the grip of fear.
> Mr. Stinana [Sidinana] said he had never heard of the Teenage gang which police allege is responsible for a reign of terror in Old Crossroads. If the gang existed he would have been informed of it by the network of street committees which fell under his jurisdiction, he said.

> "The mayor was testifying yesterday in Mitchell's Plain Magistrate's Court on behalf of Simphiwe "Teenage" Naki, 26, who has been charged with the murder of Patrick Mtongata outside a shebeen in New Crossroads on August 28th" (Cape Argus; 02/10/1995).

The same newspaper, two days later, had reported on the evidence given by the Director of Umac;

> The most recent incident involving the gang, said Mr. Nel [Snel], was 'that one of the self-defence groups had been asked by the community to kill all members of the gang'. "Residents had resorted to these steps as the police could not deal with the gang said Mr. Nel [Snel].
> The committee had dubbed the gang 'The Teenage Gang' because residents who complained of threats and intimidation by the gangsters said Mr. Naki was the ringleader. Mr. Naki's nickname is 'Teenage' (Cape Argus: Cavernalis; 07/10/1995).

After this, Umac had received threatening telephone calls, another Eluxolweni field-worker had subsequently been accused of rape, and David Mkhize (Trauma Centre ex-Eluxolweni) had been informed of threats that had been allegedly made against him by Mrs Naki who had accused him of being a police informer **[RD:** October 1995**]**.

On the 22nd November there had been a community meeting at the Nelson Mandela High School at which Nongwe was present with two members of the SAPS (South African Police Service) Internal Stability Division (ISD, formerly the ISU or Internal Stability Unit), to discuss the problem of vandalism in schools during the school holidays. Other members of the Nyanga SAPS and SANDF (South African National Defence Force) (Group 40) had left as the meeting had started late. At the meeting, the ISD had agreed to patrol the areas regularly. This had been one of the rare occasions Nongwe had attended a meeting with the security forces, as he had not attended any of the joint Nyanga/Crossroads CPF and Nyanga SAPS meetings since 1994. **[RD:** November 1995**]**.

During December, the mayor, William Sidinana, had allegedly been attacked by residents from Section Two and other areas outside Section Four. The attackers had been angered by the allocation of jobs by the Wecusa/PAC alternative development forum Crora (rival to the RDP) to Section Four residents alone. This had implied Crora's recognition and support by the CPA/Local Authority in allocating part of its development programme independently of the ANC RDP policy structures as gazetted (Sophangisa; 11/12/1995).

1996:

3.7. NONGWE'S BID FOR THE LGE:

The irony had been that Nongwe, although claiming to be an ANC member as had some members of Wecusa and probably Crora at the time, all, had remained essentially aligned with the NP CPA administered local authority. According to a report in a local newspaper in the first quarter of the year, Jeffrey Nongwe, Sylvia Ngozi, Queenie Shuku, Prince Gobinca and others had been suspended from Wecusa either late in 1995 or early in 1996, which had led to their formation of Crora (Eluxolweni: Sophangisa; 15/03/1996). Without the formal national and regional ties of other civic asspcoatopms, Crora had the appearance of a development grouping of opportunity and convenience for Nongwe and his CPA/local authority patrons. The Wecusa Regional Executive had, meanshile, begun to move towards more understanding and cooperation with their Sanco rivals in the ANC Alliance structures **[RD:** January 1996**]**.

On the 8th March, Malibongwe Sophangisa had visited Nongwe in Section Four, at his request, to hear that he had been threatened by some Section Four youth (probably the Junior Big Eight gang) but Nongwe had declined to name them. Stulo (an ANC leader in Section Four) had then spoken of meeting three women who had been threatened by Section Four youth. Sophangisa had subsequently facilitated a meeting of businessmen, on the 7th March, where the violence had been discussed and an attempt had been made to secure the names of the perpetrators, but intimidation was rife and rumours had been circulating that the perpetrators had compiled a hit-list. One person alleged that Gokwe had been training youths and had been behind the violence being perpetrated in an attempt to build a PAC stronghold in Old Crossroads (Eluxolweni: Sophangisa; 08/03/1996).

The results of the poll for the local ANC, Ward C18, candidate for the LGE had been;

Depoutch Elese	- 567 votes	
William Sidinana	- 348 "	
Charles Kanku	- 296 "	
Jeffrey Nongwe	- 148 "	(five spoilt papers)

The voting had taken place, at a mutually agreed venue, at the New Apostolic Church in Phase One of Old Crossroads. It had been further reported that there would be three other candidates standing for Ward C18 in the LGE, besides Elese for the ANC, Nongwe as an Independent (he had signed the forms and paid the required five hundred rands); Pupu (a former Councillor living in Unathi Village) as an

Independent; and, Thula Bhadtye (who lived in the Topcor Houses in Phase One) for the PAC (Elese; 09/04/1996).

In May a rumour had been circulating that, at a meeting in Section Four of Old Crossroads, Nongwe had said that he was going to move out as he had lost his grip on power in the area, and that he was going to join his "old friend" Ngxobongwana (presumably at "Green Place") and that his followers should go with him (Mkhize; 20/05/1996). However, Nongwe had not moved out, but he had re-established connections with his old rival, which would be consolidated over the next few years. This had led to speculation that Nongwe would change his political allegiance to the NP, where Ngxobongwana had aligned himself since 1994. However, a reliable source had reported that an alleged attempt by Nongwe to join the NP had been unsuccessful (Umac: Snel; November 1996). Having been dismissed by the ANC for standing as an Independent in the LGE (ANC government policy) Nongwe was looking for a new political home. His close ties with the PAC in Old Crossroads would have proved of little use as a source of patronage as it had been public knowledge, in 1994, that they had been financially bankrupt.

Meanwhile, there had been community protests at a public meeting on the 8th April, attended by Director Ganief Daniels of the Nyanga police, where there had been calls for the arrest of both 'Allion' Gokwe and Sylvia Ngozi (PAC members) for their alleged role in the organisation of the Junior Big Eight gang (Elese; 08/04/1996). The ongoing violence in Old Crossroads had carried a PAC 'label'. The Old Crossroads branch of the PAC had become a break-away grouping that favoured the former leadership of Clarence Makwetu and refused to accept the new leadership of Bishop Stanley Magoba, which further questioned its credibility and offered no obvious opportunity for Nongwe's personal gain. Although the PAC had been a useful vehicle for his protection and control of the area by force, it was no longer a politically correct party for a credible leader.

Visiting Nongwe in May, the researcher had heard that things were going well and that he did not expect trouble over the election period. He had been grateful for a list of polling stations supplied by the constituency office and other media. He had denied being aware of the presence of arms at a recent Clarence Makwetu PAC meeting, at which he had been seen. When asked about his future plans he had spoken again about Delft, and added that up-grading had begun there, but for 'site and service' and not housing. Mrs Nongwe's leg was still in plaster after complications that would probably require a skin graft. She was due to see a specialist the following month (Nongwe; 21/05/1996).

The LGEs took place, on Wednesday the 29th May, and had been amicable and trouble-free. The results were published on 1st/2nd June, as follows:

[Ward] C18 Crossroads; Section 4 - Rest of Crossroads:
[apart from Section 2 - Boystown]:

Elese, D.,	ANC	4587
Batyi, T.,	PAC	622
Mpmgwe, K		
[Nongwe, J.,]	Ind.	121
Pipa, A.,		
[Pupu, A.,]	Ind.	48

(Weekend Argus; 12/06/1996).

By September, reports had emerged of intimidation by the "Task Force" (former Junior Big Eight, with PAC/APLA connections) of "Gaba" in Section Four. There had also been reports that the gang were allegedly involved in the killing of a woman three weeks prior to this incident. The names of the gang members that had been given to police were; Sali, Nkuduleko, Squdeyi, Tshezi and Chester (SAPS: Perry, Sen. Supt; 12/09/1996).

Near the end of the month, the media had inaccurately reported on a march, on the 24th September, which had been a SANCO march protesting against the burning of twelve shacks allegedly on behalf of Nongwe who had accused the owners of having practised witch-craft (Elese; 28/09/1996).

It had been reported by the police at a Nyanga/Crossroads CPF meeting on the 4th October, that during these arson attacks, a resident, Gaba, had gone to the Nyanga police station to alert the police and ambulance services (Nongwe had claimed that his telephone had been out of order, and Sidinana had been away at the time). On his return to Section Four, Gaba found that a woman had died, and having identified some of the youth involved in the incident to the police, he had been chased away to Philippi East. His shack had been burnt. There had been a further report of arson attacks over the week-end in which the cousin of Nongwe, Toto Nongwe, had allegedly raped the child of Eunice Pezi who was suspected of practising witch-craft. Her shack had also been burnt. Sali, Chester and one other had been arrested and charged with rape and arson, but Toto Nongwe and a few others were still at large. Gxokwe had been arrested for the possession of three unlicensed fire-arms but had been released on bail of one thousand rands (the question arose as to who had prvided the bail money) (Sophangisa; 09/10/1996). Visiting Mrs Nongwe in Section Four, on the 15th October, some of the burnt out shacks had been clearly visible. Mrs Nongwe's leg had not improved and she was to have a further operation on it on the 22nd October (Greenwell; 15/10/1996).

Meeting with Councillor Elese, he had spoken of the problems that were still being experienced with an alternative development forum in Section Four, headed by Nongwe and Gokwe, and allegedly with Ngxobongwana and Conrad Sandile (suspected of having MI connections) in the background. Elese had alleged that they had been paying out fifty rands appearance money per meeting to Executive members and thirty rands to ordinary members attending "Crossroads Development Forum" meetings (presumably this finance had been provided by the CPA/local authority with its ongoing MI connections). Elese had further reported, that that Nongwe no longer held the reins in Section Four, as Stulo (ANC, formerly "Tshawe" of the Big Eight gang/body-guard) had become the new Wecusa chairperson, and deputy-chairperson of the RDP in Old Crossroads. He added that, Mrs Naki (ANC, and "Teenage's" mother) had been made the co-ordinator of the RDP, and William Sidinana, remained as chairperson of the ANC Section Four branch (Elese; 09/10/1996).

The decline in Nongwe's grip on power within his constituency and with the CPA's local authority had apparently begun, as a legitimate Council battled to find its feet amongst the administrators of a still paternalistic and autocratic CPA. Development had begun in Phase Four of Old Crossroads during November.

Visiting Nongwe soon after, he had expressed his pleasure that the development had begun but he still maintained that there was not enough money to build houses (which had not concurred with the information reported by Councillor Elese). Mrs Nongwe's operation had been delayed until February 1997 (Nongwe & Nongwe; 27/11/1996) **[RD:** November 1996**]**.

1997:

3.8. NONGWE IN DECLINE:

Despite his Sunday morning duties as a Church Minister, Nongwe had agreed to meet the researcher and a TV Producer who had been commissioned to film a thirty minute documentary on the "Taxi Wars". Nongwe had welcomed us with his usual warmth, but in his interview had been discreet and diplomatic, giving nothing away. He said that he had attempted to bring the two warring factions (Cata and Codeta) to-gether, and that he had urged them to keep violence out of the town-ship and informal-settlement area of Old Crossroads. He suggested that the film-maker should contact Victor Sam (Cata) and Simon Halmans (Codeta) and supplied her with the telephone numbers of both (Nongwe; 12/01/1997).

In February, Councillor Elese reported that he had been visited on two occasion by

Section Four residents who complained of intimidation and extortion by Nongwe. They alleged that Nongwe's body-guard/committee members had been collecting twenty rands from each shack for setting-up a branch of Contralesa but that Nongwe had been retaining the money for his own use. The residents of Section O, in Section Four, had asked to be re-located to get away from Nongwe (Elese; 09/02/1997).

On visiting Nongwe near the end of the month he had enquired why the researcher had not been to see him. It was noticeable that he had leaflets and posters announcing the recent MDM (Mass Democratic Movement) launch in Khayelitsha. He reported that Mrs Nongwe's leg had been progressing well and that she no longer needed further surgery (Nongwe; 27/02/1997) **[RD:** February 1997**]**. Her leg had finally healed by the end of the year.

By the end of the year a sinister note had crept back into Old Crossroads. A group of women, reputedly headed by Sylvia Ngozi, had visited the office of Eluxolweni to complain about the development that had been taking place in Phase Four, and about the culpability of the two Councillors for Old Crossroads (Eluxolweni; 08/01/1998). These events are detailed in **[5.**15 & 16: 125-132**]**.

1998:

3.9. NONGWE FORCED TO LEAVE OLD CROSSROADS:

The researcher visited Nongwe with an European Union (EU) Observer of the 1994 general election in the Western Cape. Nongwe shared with him his concerns about the government since 1994. Meanwhile, the researcher was able to talk with Mama Luke (a veteran squatter activist from the early 1980s) who lived in Section Four and was visiting Nongwe that day. She spoke of her intention to be part of the WPG march to parliament planned for the next day. The group of us went up the hill behind Nongwe's shack to view the whole area of Old Crossroads and, in particular, the Phase Four housing development in the distance to the East. Nongwe and Luke had professed ignorance of the amount of the government housing subsidy (R17,000.00 per house) and that, in Old Crossroads, half of this had gone on the infrastructure and the remaining half on the building of a house, the size of which had depended on the Contractual agreement. They also appeared unaware of the number of houses planned and the designation of these to the residents of the various informal-settlement areas **[5.**13: 121-125**]**. On our departure, Nongwe divulged that he would be standing as an Independent candidate on behalf of Contralesa in the forthcoming general election in 1999 (Nongwe & Kilgallen; 03/03/1998).

On the 29th March, Jeffrey Nongwe's son, Xolisile, was stabbed to death in Gugulethu in what had probably been a gang related incident **[RD:** March 1998**]**.

There had been an isolated arson attack at B17 of Section Two, on the 17th March. A month later more arson attacks had taken place at the homes of those opposing the council development, as well as those supporting the development. One of these had been an attack on the home of William Sidinana (ex-mayor and ex-ANC chairperson in Section Four).

On the 23rd of April, Stulo (Section Four ANC and RDP Executive) and Kupiso were murdered and, on the same day, assassination attempts were made on Councillor Elese and William Sidinana. Stulo, had been a member of the Big Eight taxi gang and Nongwe's body-guard/hit-squad allegedly responsible for the violence perpetrated in Old Crossroads, in 1993, on Nongwe's behalf. According to Depoutch Elese, after the LGE Stulo, as a committed ANC member in Section Four and their representative on the RDP Executive, had withdrawn from Nongwe and Crora. Stulo had, subsequently, been instrumental in bringing Wecusa and Sanco closer to-gether under the ANC Alliance in Old Crossroads. His killing had been a major loss for the pro-council development faction and it had led to mounting retaliatory arson attacks and killings.

On the 9th May, Thembelani Ngozi was shot dead in Unathi Village. The son of Sylvia Ngozi (PAC, and a member of the WPG), he had allegedly been the leader of the Apla/Qibla "Task Force" hit-squa d. Further shacks had then been burnt (alleged to be homes of members of the WPG) near the White Office and other shacks had been burnt in Section Two (where members of both factions had become involved in arson attacks). A "Bester Home" brick house had been burnt in Phase One and two further shacks had been burnt in Section Four the following night as the violence escalated **[RD:** April 1998**]**.

At the funeral of Thembelani Ngozi, on the 30th May, Ngozi's grand-mother had been shot dead and two others were injured. The funeral had allegedly been guarded by the Apla/Qibla youth who had patrolled the nearby streets in Unathi Village provocatively (reported to the Nyanga police at the time by Elese) (Ntshweza & Elese; 02/06/1998).

On the 9th June, articles appeared in the press announcing that the Cape Town Municipality was launching an urgent investigation into the conflict in Old Crossroads (Cape Times & Cape Argus; 09/06/1998).

On a visit to Section Four of Old Crossroads on the 9th June, the researcher found no

one at the Nongwe home. Moving on to try and find Mama Luke, she had found that her home had been burnt to the ground. A neighbour informed the researcher that it had happened when Luke was in the Eastern Cape and that she was now staying there. Later the same day Councillor Gwayi, at the Phase Four housing development, had confirmed the rumour that Jeffrey Nongwe had been chased away by some of the youth from Section Four, on the 4th June (Gwayi, M., 09/06/1998). This had been later confirmed at a subsequent visit, on the 15th June, when the Nongwe shack was still in place but locked and a young boy from nearbye reported that Nongwe and his wife had gone to the Eastern Cape for good.

Elese had confirmed that it was youth in Section Four, but not the Apla/Qibla youth, who had chased Nongwe out of Old Crossroads. He added that Nongwe had been reported to be still in the Western Cape, and had been seen in Stellenbosch and Grabouw, but that he was probably with Johnson Ngxobongwana. Elese confirmed that the three PAC members (convicted for the St. James Church massacre in 1994) that had been released by the TRC's Amnesty Committee; Gcinikhaya Makoma, Bassie Mkhumbuzi and Tobela Mlambisi, were all from Old Crossroads, and that Mkhumbuzi's mother Elsie was a leading member of the WPG (Elese; 15/06/1998) **[RD:** June 1998**]**.

On the 7th September, Mandla Maduna's application for Amnesty from the TRC for the killing of Joyce Ndinisa Elese, Timothy Soga and Simon Pauli, on the 19th March, in Unathi Village Old Crossroads began at the TRC offices in Cape Town. During the hearing, Vuyisile Mketsu (PAC till 1996), when giving evidence alleged that it had been common knowledge in Old Crossroads that Jeffrey Nongwe had instructed people to attack the Elese home **[4.4.10] [RD:** September 1998**]**.

Over the week-end of the 19th and 20th December, an article appeared in the press concerning political party defections in the Western Cape, in which it reported that; "Conrad Sandile", "Jeffrey Nongwe" and "Jerry Tutu" were joining the new Louis Luyt party (Weekly Mail & Guardian: Carter, C., 18-25/12/1998)

The CTCCC on Crossroads Report, Findings and Recommendations had been released on the 10th December. The findings had included a report that the WPG had since disbanded. The immediate effect of the commission hearings and the release of its report had appeared to stabilise the situation in Old Crossroads at the end of 1998. Jeffrey Nongwe had become a phantom who would re-emerge elsewhere, if not in Old Crossroads, in the future. Although he looked old and weary at times, retirement to the Eastern Cape had not appeared to have been an option in conversation with him during the last visits before he left Old Crossroads **[RD:** December 1998**]**.

Ulrich Schelhase, when asked his opinion of Jeffrey Nongwe, said that he;

> Didn't really place him - by far in the shadow of Ngxobongwana. I thought Nongwe should [make a leader] but he hadn't got the intellectual capacity. ... he's much more raw, much more brutal. Ngxobongwana wasn't brutal, he was ruthless as I said and he could make a decision and could defend his decision (Schelhase; 11/10/1999).

4. DEPOUTCH "WHITEY" ELESE 1990-1999:

Depoutch Elese (spelt Elles until 1994 when his ID book arrived with his surname mis-spelt), was born on the 6th June 1967, at Ugie in the Eastern Cape, to a Xhosa mother named Maggie and a French father, Elles Leroux, a farmer. Elese had lived with his mother and father on the farm until 1979, when he came to the Western Cape with his Aunt and Uncle, Joyce and Tienie Elese to pursue his secondary education. Tienie's mother had worked for Depoutch's father and as a result had taken his christian name as her surname, as had Depoutch's mother.

The following year, his father and his father's twin brother Willem died, allegedly of poisoning. Elese has related how his father on a visit to the local dairy to deliver milk for cheese making had been offered a cup of tea by the owner [name supplied], and that after drinking it, his father had complained of dizziness and soon after had become paralysed. Elese's mother, Maggie, had then nursed Leroux and his brother until Elles' death on the 22nd November 1980. Willem Leroux died on the 26th June 1981. The allegation of poisoning never came to court although the local doctor had confirmed its presence. The inference remains that the poisoning had allegedly taken place because the dairy owner had disapproved of Elles Leroux flaunting the apartheid Immorality Act laws and condoned by his twin brother who had allowed Depoutch to play with his adopted son Koos. Depoutch's mother had subsequently been forced to leave the farm as the dairy owner had managed to get Elles Leroux to sign over all the family assets to him during his last days.

1979-1990:

Elese with his Aunt and Uncle had lived first at Elsies River outside Cape Town in the Harky informal-settlement area, but moved to Old Crossroads in 1980. The family settled in the Section Four informal-settlement area where they had a fruit, vegetable and 'fish and chip' business attached to their home. Elese had helped with the marketing, at the same time attending the Sizamele School (later became the Oscar Mpheta High School) in Nyanga where he first became involved in the political

"struggle". At that time, there had been extensive boycotting of schools by students accompanied by harassment from the police.

In 1983, at sixteen years of age, Elese had joined Umkhonto weSizwe (MK) (the armed wing of the ANC) and left the country for training in Swaziland the same year. A year later he had been sent to Cuba for further military training for eighteen months before being sent to Angola to train ANC cadres there and undergo active service against the SADF (South African Defence Force). From there he was sent to Tanzania. Not long after, in 1986, he had been infiltrated back into the Western Cape to work politically under-ground in the Crossroads informal-settlement areas in association with the "comrades", or youth. During this period he had reported back to the ANC on the situation on the ground. He had attended the "General" meetings held by Johnson Ngxobongwana at Noxolo School where, as he described him;

> I saw his arrogance and the way he has used the people to be on his side. I used to challenge him left and right even in public meetings when he was trying to give wrong information to the people and other perceptions (Elese; 13/10/1999).

Similarly, Elese had reported back to the ANC on the actions of Ulrich Schelhase of the African Development Board who had often been present at the above meetings. Asked about his impressions of Schelhase at the time, he replied;

> ... in my thinking when I saw him - he used to come into Crossroads before when they [the system] were starting to infiltrate Crossroads. They [he] used to come in Noxolo School with Ngxobongwana wearing these traditional things and slaughtering [cattle] and he was imitating a doctor a traditional witch-doctor because he was always ... drinking a white brandy [Smirnoff].
> ... then I said no, this one is an infiltrator, he is taking all the traditional things of the blacks, he wants to immitate them and then he want[s] to get used to the culture of the blacks, how they are relating and so on.
> Then they were [he was] always here in Crossroads doing braais, doing everything, and we have been watching him closely and I have to report to my commissar what is their [his] day to day activities and how we can tackle them, how we can infiltrate the leadership of Crossroads. But subsequent[ly] ... there was that violence in 1986 (Ibid;13/10/1999).

Later in 1986, Elese had moved back to Elsies River to stay with relatives there because of the Witdoeke up-rising against the "comrades" led by Ngxobongwana and backed by the state. The youth had already been infiltrated by Barnard of the SAP who, according to Elese, spoke fluent Xhosa since his birth in Elliot in the Eastern

Cape. Barnard had known Tienie Elese from the Eastern Cape. Elese had not known him or had contact with him but spoke of an occasion in Old Crossroads when there had been a police raid in the area led by Barnard who had encountered Tienie outside his home. Barnard had stopped to chat with him and in the course of the conversation, overheard by Elese, had said that Tienie must warn his children and their friends not to join the "comrades". The police had not entered or searched the Elese home but it had become clear that Elese's work with students and their schooling, Cayco (Cape Youth Congress), etc., had become too conspicuous and that he would have to continue it from further afield.

In 1987, his aunt and uncle had been moved from Section Four to Boy's Town in Old Crossroads to await the building of council houses in three months time which had extended to three years. In September 1989, Jeffrey Nongwe and other Headmen from Johnson Ngxobongwana's committee had broken away. Ngxobongwana's power-base in Section One of Old Crossroads had been destroyed and the residents had soon been forcibly removed to Lower Crossroads, while Ngxobongwana and his followers had moved to Driftsands.

During 1989, Elese had returned to Old Crossroads to politically infiltrate the area and continue his education at Sibenza School (later the Dr Nelson Mandela High School). The Principal of Sibenza at that stage, Col. Coetzee, and his deputy (also by the name of Coetzee) came from the military, as did many of the all white staff at the school. Elese began to arrange under-cover meetings to inform the students of their democratic rights and with their cooperation began to challenge the school system. He organised classes to elect their own class representatives to oversee the discipline of that class and represent them on what became known as the SRC (Student Representative Council) that was to replace the old system in which a student had been appointed as head-boy of a class-leader by the school on the recommendation of the class's staff member. He also organised the launching of Tosca (a teacher/student association). Through this body they had challenged the high rate of school fees which, at the time, amounted to fifty rands for boys and sixty rands for girls (because of home economics). They had also challenged the school committee for being unrepresentative of parents with children in the school who could represent genuine grievances such.

Late in 1989, Elese along with several others had been expelled from the school, allegedly for having rendered the school ungovernable, and for residing in Nyanga and not in Old Crossroads. Although Elese was living with his Aunt and Uncle in Old Crossroads, unlike his cousins, he had not been registered with the local administrative authority. All students had been required to bring a form issued by the

local authority confirming their residential status before they would be allowed to attend the school, eventually rectified in Elese's case, he had been allowed to return the following year (Elese; 13/10/1999).

1990:

4.1. ELESE'S INTEGRATION IN OLD CROSSROADS:

In June, Joyce and Tienie Elese had moved into a council house, no. 2210 in Unathi Village (Phase Two). Elese had remained in Boy's Town to help run the family business (a fruit, vegetables, groceries and fish spaza shop/restaurant) from their shack there. This had entailed rising at four o'clock in the morning to perform his duties before attending the Sibenza High School. Student activities there had become focused on expelling the Principal and his Deputy. This was achieved eventually with a "guard of honour" of students escorting the former to his car saying "we wont beat you but get out". The departing Principal had been stoned on the Lansdowne Road and had called in the police. The following day the school committee had met and condemned the event and called on the students to refrain from dissent. An Acting Principal, Mrs Zothwana, had been appointed. The following year, Mr Mkhontotwana had been appointed Principal and only two white teachers remained on the staff, Mr Pretorius who taught mathematics and his wife who taught Afrikaans (they remained in the school in 1999). The same year the school's name had changed (Elese; 13/10/1999).

Meanwhile, outside of school Elese's activism had become focused on promoting ANC democratic principles and with the help of the Rev. Jack Masana had become determined to set up an alternative branch of the ANC as the existing branch chaired by Jeffrey Nongwe had failed to educate and inform the residents of Old Crossroads. An outcome of this, later in the year, had been to raise the awareness of the community in highlighting the shortcomings of the administration of their areas;

> We have said to the people they must stop paying the rent because the councillors and the council are not protecting the people here. At that time there was that stone throwing of these houses ['white houses' in Unathi Village] ... saying they were Ngxobongwana's people (Ibid; 13/10/1999).

This had led to, "trying to drive out" the Town Clerk Ulrich Schelhase, and challenging the Council that he administered which was perceived as illegitimate by an increasing number of residents in Old Crossroads. Schelhase had left Old

Crossroads by the end of the year and had been replaced by an Acting Town Clerk, "Tollie" Thorpe. The council and councillors had come under increasing criticism and threat.

Ngxobongwana, who had occasionally bought food from Elese's family shop, but apart from interactions at community meetings was unknown to he family, had remained under Elese's critical surveillance. He had kept the ANC informed on Ngxobongwana's manipulation by the system. He described how he had;

> followed his [Ngxobongwana's] track-record because he had been on the side of the movement before because he was leading the civic. When he was arrested for the issue of New Crossroads ... subsequently he had changed, he left the lawyer he was given by the Legal Resourse Centre ... took on a lawyer from Pretoria who secured very low bail for him. He went to Langa [civic], said he is getting out of the civic because they didn't get him out of jail discrediting civic. No longer talking our language [and] when interfacing in 1990 around boycotting of rent (Ibid; 13/10/1999).

The rivalry between Ngxobongwana and Nongwe had escalated into violence as described in **[4.3.**1 & 2: 38-43**]**. In July, the Elese shack/spaza shop in Boy's Town had been attacked three times. On the 3rd August, it had finally been burnt to the ground allegedly by Nongwe committee members and "kitskonstabels". Nongwe had been well-aware of Elese's MK training and purpose in the area. Elese had then joined his Aunt and Uncle in Unathi Village from where he had continued his mission to inform and organize the youth along democratic lines. This had entailed confronting the 'traditional' autocratic leadership style inherited from the rural areas that was being perpetuated by the apartheid system of patronage.

With the unbanning of political parties in 1990, Nongwe had been allowed by the ANC to set-up a branch in Old Crossroads but had it was alleged failed to follow the party's philosophy of democracy and human rights. Elese, meanwhile, had begun to organize and rectify this situation accompanied by the Rev. Jack Masana with a house to house campaign in September 1990, and by forming an informal alternative ANC branch in Unathi Villlage.

Members of Nongwe's headmen/committee had allegedly persisted with arson attacks on the perimeter houses of Unathi Village saying that the residents had been Ngxobongwana's people "not the people of Crossroads" though this had been untrue. However, Elese and his committee/branch members had managed to meet with Nongwe to discuss the issue of violence. Meetings had been arranged in the Zolani Centre Nyanga over a period of two weeks and facilitated by Siseko (a brick-making

co-operative run by Susan Conjwa and David Mkhize based in the Presbytarian Church compound Nyanga East) and a Mr. Sturman of the Nyanga Civic Association at which they had achieved "common goals". As a result, there had been a joint community meeting in the open space known as the "Buffer Zone" between the informal-settlement areas and the "white houses" (Unathi Village brick houses). This had been well organised and had addressed the issue of violence, and after it the violence had died down.

From the 14th to 16th December, there had been a National Consultative Conference in Johannesburg at Nasarec but because the Unathi ANC branch (although it had four hundred members) had not been officially launched, the Regional Executive of the ANC had decided that the branch was not eligible to attend. The doubts about Nongwe's ability to head the ANC branch in Old Crossroads had been passed to the National Executive but to no avail. However, at an ANC rally held soon after at the FNB Stadium, Nongwe had sent three delegates, and Elese and one other, Xoliswa Mbambo, had represented the Unathi branch. They had returned to report that it had been agreed that one hundred members would be sufficient for the launch of a new branch (Elese. 01/04/1994).

1991:

4.2. ELESE ESTABLISHES HIMSELF IN OLD CROSSROADS:

In March, Elese and others of the existing committee had been permitted to constitute an ANC Unathi branch, at which National Executive Committee (NEC) member, Reggie September had performed the official launch. Elese was elected chairperson with a secretary, a treasurer and a fifteen member committee. He continued organizing the youth in the Old Crossroads informal-settlement areas in a campaign against the headmen system in general, and Nongwe's autocratic 'traditional' style leadership in particular. At the same time allegations of corruption had begun, in turn, to be levelled at Nongwe.

The youth had been advised by the ANC Unathi branch to do things democratically. They had called a joint meeting of all the squatters at Noxolo School in the Section One area (that had been levelled but was still undeveloped) to hear about the illegal payments being demanded by Nongwe through his headmen. As a result, squatter residents had refused to pay these levies, and Nongwe had started to chase out the youth from his power-base in Section Four. Some of the youth had sought shelter with sympathetic families in Unathi Village, and renewed arson attacks on the "White Houses" followed (Elese; 01/04/1994). Meanwhile, there had been allegations that

the youth remaining in Section Four were being trained and armed by members of the PAC ('Allion' Gxokwe had been released from prison early in 1994).

Elese and the ANC branch committee had been at the forefront of a protest by the residents of Unathi Village against a proposed local government authority survey of their council houses for which the Town Clerk and the Council had not appropriately consulted or informed the tenants **[5.6**: 101-103**]**.

During 1991, an ANC Peace Commission had been appointed to look into the causes of violence in Old Crossroads in an attempt to find solutions to ending it. The Commission's contribution is described in the preceding chapter **[4.3.2**: 41-43**]**.

1992:

4.3. ANC FACTIONS UNITE OVER COUNCIL:

On the 13th May, an ANC activist friend of Elese, Buntubakhe Ndemane, was shot dead outside the Topcor Training Centre community hall where a community meeting with the Town Clerk, "Tollie" Thorpe (who took over from "Ricky" Schelhase in August 1991), council members and council employees had been taking place. In an interview with the Weekly Mail, Elese had reported that the meeting had been called to inform, "... the public of an intended survey of [the] brick houses in Unathi". He described how he had escaped through a window in the hall and had run to the local Unathi Village "Satellite" police station nearby to report the incident, and how he had then assisted the police with their investigations the following morning. As a result three suspects had been arrested on the 18th May (Weekly Mail: Davis; 22-28/05/ 1992). This incident has been further researched and will be reflected on in **[5.6**: 102-103. & **6.7**: 155-159**]**.

The day after the above meeting at the Topcor Centre, reports of intimidation by councillors and council employees driving round Unathi Village had come to a head. The researcher had received a telephone call from Susan Conjwa (QPC member/field-worker and community activist) from Nyanga East. She had reported that two women from the Unathi Village area had arrived at the home of Albert Dayile (QPC field-worker) in White City Nyanga East in a state of fear to report that councillors had been threatening the life of Elese at the home of Joyce and Tienie Elese in Unathi Village. The researcher had then telephoned Jan van Eyk (a founder member of Umac, and Democratic Party (DP) member who joined the ANC in 1994), who notified the police and requested them to patrol the area. He collected the researcher and drove to Dayile's house to interview the women. Having then driven on with

Dayile into Unathi Village and finding no police presence as requested, it was agreed that Elese should be evacuated from the area.

The following day, a joint community meeting of Old Crossroads residents at the Topcor Training Centre Hall chaired by Jeffrey Nongwe had welcomed, Jan van Eyk and Umac field-workers, Val Rose-Christie and Margie Probyn. At the meeting a joint community march had been planned for the following week-end to demand the dismissal of the Mayor, Councillors and Council employees. At this march, on the 22nd May, Jeffrey Nongwe and Depoutch Elese had walked side-by-side as both they and their constituents had been united against the CPA's local government authority and their supporting security forces **[5.6**: 102] **[RD:** May 1992] .

The atmosphere in Old Crossroads had remained tense, particularly in the Unathi Village area where, in June, several statements had been given to monitors by residents who had witnessed intimidation or had been personally intimidated by Councillors/Council employees (Statements; Ndinisa Elese; Dasi; Madjosi & Maphelana; given to Black Sash; 13/06//1992). Only two of these laid charges at the Nyanga police station (Ndinisa Elese & Dasi; 13/06/1992).

Also during June, there had been allegations made to monitors by Unathi Village residents concerning police searches that had allegedly resulted from information or complaints from PAC members who, by then, it had been alleged were supporting the beleaguered Crossroads Town Council **[RD:** June 1992].

Two cases brought against Elese, one in July brought by Kingsley Nyangweni (PAC) and the other in August brought by Thembelani Ngozi (PAC) both alleging assault had proved unsuccessful (both accusers had remained implicated in Apla youth activities until their deaths during the violent events of April/May 1998) (Elese; Statements given to Black Sash; Greenwell; 19/07/1992 & 07/08/1992). Other statements had been given by Unathi Village residents after SAP or SADF raids in search of weapons where none had been found **[RD:** July & August 1992].

The climate of intimidation by local councillors and harassment by the security forces had continued in Unathi Village and had been regularly reported to monitors by Elese as the local ANC chairperson. With him, an approach had been made to the Legal Resource Centre (LRC) in Cape Town in the hope that the complaints might have fallen within the jurisdiction of the planned "Goldstone Commission of Enquiry looking into complaints of Intimidation". However, when this Commission was established it had only investigated complaints from October 1992.

No action had been taken against any of the intimidators because, for the most part, victims had been too frightened to lay charges with the police, or, if they had they had been too afraid to appear in court to give their evidence. In the court case brought by Joyce Ndinisa Elese, her subsequent death in March 1993, had brought it to a close.

Unathi Village led by the ANC chairperson, Elese, had remained the target of what had appeared to be low-intensity destabilization, while the surrounding informal-settlement areas of Boy's Town and Sections Two, Three and Four seemed to be less affected. In the interim, Nongwe's links with the CPA had appeared to grow stronger and his influence in the community to have gained a more autocratic hold, but Elese had posed an increasing threat **[RD:** September-December 1992**]**.

1993:

4.4. ELESE and OLD CROSSROADS UNDER FIRE:

On the 8th February, Elese had accompanied the researcher and Mrs Buntubakhe Ndemane to the LRC offices in Cape Town to consult with an attorney about Mrs Ndemane's proposed civil case against the Crossroads Town Council, after the murder of her husband, as the police case had failed to convict the killer. The same day, the researcher had taken a statement from Mrs Ndemane to the effect that she had not yet received her husband's ID document or his clothes and shoes from the Nyanga police despite having visited the Nyanga police station in May and June of the year before. The police had never visited her and she had not been out at work so was at her home most of the time (Statement: Ndemane; given to NIM: Greenwell; 08/02/1993) **[RD:** February 1993**]**.

Early in March nine men headed by Depoutch Elese had visited the Black Sash Advice Office in Mowbray, Cape Town. Elese had asked for monitors to be sent to a meeting at Noxolo (Mhakengeli) School in Section One of Old Crossroads. As a result, two Sash monitors had attended a meeting on the 3rd March **[4.3.**4: 44-48**]**. It had marked the beginning of a period of tension and unrest that had led to escalating violence in the five months that had followed.

On the 7th March, Elese had requested the researcher to visit him in Unathi Village and take statements from residents of the Boy's Town informal-settlement who had been attacked the previous night. Arriving late that afternoon at the Elese home, the researcher heard from Elese of the mounting tension in the area since Nongwe had lost interest in working to-gether under the ANC banner. He had become increasingly unreliable in attending meetings, and had cemented his relations with the CPA since

the suspension of the Crossroads council and dismissal of its mayor, Ngxobongwana, early in the year. Elese had then taken the researcher to the home of Amos Zakele Nyhakatyha (shack no. Q369) **[4.3.4: 45]** on the edge of Boy's Town opposite Unathi Village where the researcher had taken three statements. In one of these, Stulo ("Tshawe") and Ntekiso had been identified among approximately fifteen other attackers, and in another, they as well as Mzongozi (all described as Jeffrey Nongwe's cabinet) had been recognised by neighbours (Statements: Ben; Mpokela; & Blees; given to NIM: Greenwell; 07/03/1993). David Ben had been shot through the thigh. He believed that he had been targeted by Nongwe because he had addressed a school meeting at the Mkhangile Community School concerning the school's issue, the proposed removal of two thousand families in Section Two by the Crossroads Council, because he had been anti-Nongwe and had become a member of the SACP. He added that he had been told by Loleka and Stulo (members of Nongwe's cabinet) that he should go and see Nongwe (Ben; 07/03/1993). Having left as darkness fell, the researcher had contacted the SAP Flying Squad Unit to request extra security force patrols in the Boy's Town area and in Old Crossroads. Late that night of the 7th March, there had been a telephone call from Elese to say that a Mr. Mgithi of Section Two had been shot while leaving Nyhakatyha's shack, and that he was in Groote Schur hospital.

The following day, an early morning telephone call from Elese requested the researcher to alert the newspapers, and to convey the Unathi ANC branch's concern that the ANC Regional Executive appeared to be marginalising them. Visiting his home later, having waited in vain for two ANC officials, the researcher had found Joyce and Tienie Elese very subdued saying that Elese had been transporting the Mpokela family to the Red Cross when the ANC officials had called, and that none of the newspapers had come. Gugulethu police had been requested to alert the Nyanga SAP to patrol Old Crossroads that night. Meanwhile, Council lorries had been parked near Section Two during the day but no removals had taken place that day.

The following day, on the 9th March, the "forced removal" of families had begun from Section Two to a electrified 'site and service' area in Lower Crossroads next to the residents who had moved there in 1990 **[5.8: 104-106]**.

On the 14th March, Elese in reporting that five people had been shot and one shack had been burnt had requested statement takers for which NIM (Network of Independent Monitors) monitors had been called in and a direct line of communication with them had been established. Four shacks had been burnt that night. By the 17th March, the ANC had called a mass meeting in Old Crossroads to air grievances and to attempt to calm fears. There was supposed to have been a

moratorium on "removals" but a man seen dissembling his shack had been shot in the head with a double bore shot-gun. That night Amos Nyhakatyha's home was burnt down in Boy's Town. He and his family, and a friend Alice Mambatane (Nongwe's sister-in-law, who had left Section Four with them) were taken out of Old Crossroads for a few days.

On the night of the 19th March, the researcher had a telephone call from the Unathi/Buntubakhe ANC branch secretary, Loyiso Tyalimpi. He reported that Joyce and Tienie Elese's house in Unathi Village had been attacked leaving two people dead and Joyce Ndinisa and two others injured. Depoutch Elese having heard of the attack on his way back from a meeting had sought protection at the local Unathi satellite police station and had rung the researcher from there. She collected him from there and took him out of the area. Calling in at the Groote Schur hospital on the way, they had been informed that Joyce Ndinisa Elese had died, that Tienie Elese had been severely injured, and their grandson Ayanda had also been injured. Ayanda had had the presence of mind to switch off the mains electricity during the attack and had then escaped to a relative's house nearby to report the attack. Elese had then stayed with the researcher until he felt the situation was stable enough for his return to Unathi Village **[RD:** March 1993**]**.

From then on NIM monitors had been asked, intermittently, by Elese to take statements from residents in Unathi Village, Section Three and what had remained of Section Two, who had been victims of further arson attacks, notably on the 15th April. Elese, himself, had complained of police harassment on five occasions on the 21st & 28th May, and the 18th, 25th and 30th June, as recorded in **[6.**7: 155-159**]** **[RD:** April, May & June 1993**]**.

The "Goldstone Commission of Enquiry into Violence and Intimidation in Old Crossroads" had opened on the 2nd July and had to be extended to allow more submissions to be heard. Amongst these had been one from the ANC Unathi/Buntubakhe branch chairperson, Depoutch Elese, who described the situation in Old Crossroads from 1990 till half-way through 1993 **[5.**9: 106-107**]** **[RD:** July & August 1993**]**.

There had followed a period of relative stability in Old Crossroads during and after the Goldstone Commission Hearings. However, on the evening of the 21st September, Elese and two others were arrested by members of the ISD (Internal Stability Division, formerly the ISU) and accused of the murder of Vuyisile Tyibelo and the attempted murder of Simon "Fatty" Mqulwana, on the 29th August, at house no. 2047 Unathi Village. In a lengthy statement that he had given to the Trauma

The findings of the Goldstone Commission of Enquiry on Old Crossroads had been released early in December **[6.**12: 167-169] **[RD:** November & December 1993].

1994:

4.5. 'YOUTH LEADER' ENLISTS IN THE SADF:

Early in the new year, Elese, as a member of MK had been called up in accordance with the government of national unity's policy to integrate with others into the SADF and become part of its transformation into the SANDF (South African National Defence Force). He had been one of fifty MK members from the Western Cape to be called up at the time **[RD:** January 1994].

Early in December, Amos Nyakhathya, Elese's recent friend and ally, had been killed in Site B Khayelitsha where he lived, since the fire-bomb attack on his home in Boy's Town, on the 12th February **[RD:** December 1994].

1995:

4.6. ELESE - SANDF - MURDER CHARGE REMAINS:

The murder case against Elese and "Rasta" Mogamile had continued to be remanded monthly in the Mitchell's Plain Magistrate Court, which had necessitated Elese's return each time from his SANDF posting to appear in court. Ineptitude on the part of their legal council did nothing to speed the case up which, with the death of the State's only witness Simon Mqulwana on the 12th January, appeared to have no grounds for continuing.

In March, Mogamile had confirmed a report of problems in Boy's Town that had concerned the lack of ANC leadership and a committee in the area. He added that questions surrounded the Sanco and ANC representatives, Tana and Hala respectively, as both were perceived to have links with Section Four. Mogamile had cited a similar situation in Section Two, where he alleged that Gladstone Ntamo (ANC & Sanco in KTC) had been arming the youth and adding to the destabilisation. He remarked that Simon Mqulwana had been a cousin of Ntamo. He also alleged that Mrs Khobo had been involved in the arms and training issue and that her son, Siyabulela (now about sixteen years of age) had been one of the youths who had been perpetrating the violence. Mogamile described the community as both divided and volatile (Mogamile; 03/03/1995).

Centre, Elese had described the overly aggressive and verbally abusive manner of his arrest **[6.11: 164]**.

Simon "Fatty" Mqulwana had been a friend of Depoutch Elese but had, subsequently, become the only State Witness in the case. One of the accused, Simphiwe Tsolo, was killed in a police ambush a few months later, and the other Harrison "Rasta" Mogamile owned a spaza shop in Boy's Town opposite what remained of Section Two. It had been alleged that Mqulwana had previously been arrested for the possession of unlicensed fire-arms. His house, no. 2047 Unathi Village, had been raided by the police on the 25th June 1993, as described in **[6.13: 169-171]**.

Initially, Mqulwana had been willing to withdraw his evidence and had been to see an attorney, but had changed his mind at to the attorney's office. The case was remanded monthly in the Mitchell's Plain Magistrate Court before reaching the Supreme Court where it was dismissed, on the 17th August 1995, as the State's only witness, Simon Mqulwana, had died after a petrol-bomb attack on his house, on the 12th January 1995, as described in **[6.16: 175]**.

There had been no evidence to suggest that this had not been a 'trumped-up' murder charge against Elese, and the evidence had pointed at other known perpetrators for the subsequent murder of Simon Mqulwana **[6.16: 166]**. Elese had managed to ignore the charge and carry on campaigning for the ANC in the forthcoming general election, but the inconvenience of court appearances and the ongoing threat to his existence had been ever present **[RD:** September 1993**]**.

The Peace Media Committee's video on Old Crossroads premiered at the UWC Library, on the 7th October, had featured interviews with Elese among the other main role-players in the Old Crossroads. He had come away from the showing more positively motivated than Nongwe, because in it Elese had been shown as the victim, on behalf of his constituents, in his struggle against the local authority, the security forces, and above all Nongwe **[RD:** October 1993**]**.

On Monday the 22nd November, the trial of Mandla Maduna began in the Supreme Court in Cape Town. He was accused of killing Joyce Ndinisa Elese and two others, and injuring two others, Tienie Elese and Ayanda Elese, at the Elese home in Unathi Village on the night of the 19th March. In court, Ayanda Ndinisa was able to describe the clothing of the attacker, as the man had a balaclava over his face. However, Tienie Elese had seen Maduna's face for a split second, before he had pulled down his balaclava and started shooting. Tienie Elese had been able to pick Maduna out at an ID Parade three weeks later **[6.11: 164-166]**.

Where Mogamile, himself, had fitted into the picture had been questionable given that, in Mrs Simon Mqulwana's statement of the 30th January, he had allegedly been identified as one of her husband's attackers on the day before their house had been fire-bombed. According to the SANDF (Group 40) he had been suspected of training youth in Boy's Town [**6**.13: 171]. There had been a strong rumour that he had been selling 'dagga' from his 'spaza' shop in Boy's Town without any interference from the security forces. This had led to speculation that he might have been a police informer in return for immunity from prosecution. Mogamile's name had appeared in several statements as a perpetrator of violence but to the researcher's knowledge he had never been arrested or charged with any offence apart from the Tyibelo murder charge [**RD:** March 1995].

On the 17th August, the murder case against Depoutch Elese and Harrison "Rasta" Mogamile had been dismissed in the Supreme Court of Cape Town. On the same day, also in the Supreme Court, Mrs Buntubakhe Ndemane's civil case against the Crossroads Town Council had resumed [**5**.11: 111] [**RD:** August 1995].

1996:

4.7. ELESE LEAVES SANDF TO CONTEST LGE:

By the end of January, it had emerged that the constituents of Unathi Village had elected to call Elese back from the SANDF to contest the ANC candidature in Old Crossroads. According to Maureen Hamse, there had been some controversy about the number of "Wards" to be allowed in Old Crossroads. The local constituents had wanted four Wards but had been persuaded to request three, although it had looked as though they would only be eligible for two, and how these were to be divided had still to be decided. It had been expected that there would be an equitable balancing of needs in each Ward with privately developed houses, council housing and informal-settlement areas represented in each (Hamse; 31/01/1996). In March Elese left the SANDF to stand as an ANC candidate for Ward C18 of Old Crossroads for the LGE in May [**RD:** March 1996].

However, during April Hamse had reported that both the local chairperson of the ANC, Loyiso Tyalimpi, and the secretary, Baba Ndinisa (Elese's cousin) were disgruntled about Elese's nomination for Ward C18. She had further reported that the majority of the constituents were critical of Tyalimpi and Ndinisa's inactivity and inexperience as ANC, as well as their abuse of alcohol. She had added that the constituents preferred a seasoned campaigner and committed community worker, as Elese had proved to be during the four year period before he went to the army. On the

same occasion, she had reported that the local Sanco representative had been circulating forms to be signed in support of the NP Statutory Council members, Pupu, Poni de Wet and Ndzungu which had angered the ANC membership in Unathi Village (Hamse; 01/04/1996).

On the evening of the 8th April, a telephone call from Elese had reported that a red car without number plates or head/side-lights with Paso (PAC Student Organization) youth on board had been seen driving around his home in Unathi Village. He was given the telephone number of the chairperson of the Nyanga CPF, so that he could contact him and request his assistance in alerting the Nyanga police. Elese further reported that at a large general meeting that day, attended by Director Ganief Daniels of the Nyanga police, Daniels had been asked to arrest both 'Allion' Gxokwe and Sylvia Ngozi (both PAC members) for their alleged roles in the organisation of the Junior Big Eight gang (Elese; 08/04/1996). This had been confirmed the following day by Augustine Ntshweza. He alleged that the PASO youth had been involved in the looting and burning of spaza shops and had been selling the stolen goods (Ntshweza; 09/04/1996).

When questioned about Gxokwe, Elese explained that he had worked for the Crossroads Town Council at the Topcor Training Centre from 1988-1991. He had been employed as a body-guard for the then mayor, Ngxobongwana and amongst his duties had allegedly "beaten-up" Sebenza Secondary School (the Nelson Mandela High School) children who did not have the correct entry cards. Gxokwe was employed in the early days to train youth choirs and marimba players and was a close associate of, Ulrich Schelhase, the Town Clerk. In 1990, when Gxokwe was living in Section One of Old Crossroads, he was arrested on a charge of murder and arson. He was tried and convicted in the Cape Town Supreme Court in 1991, and sentenced with two others to twenty-one years imprisonment. At the time of the crime; "The key witness, Cidyondana, saw fire-bombs being thrown into his home and Gxokwe shooting his children (two or three of them) as he forced them back into their burning hut in Boy's Town" (Elese; 09/04/1996).

According to Elese, Gxokwe had been released from jail early in 1994, allegedly as a result of Ngxobongwana (by then a NP Provincial TLC member) having interceded with the then State President, F. W. de Klerk, on the grounds of political immunity. Gxokwe, who had been living in Unathi Village since his release, had tried to get work at the local council administration offices, but the Acting Town Clerk, Andries Wessels, and the mayor, William Sidinana had been over-ruled by the majority of the council employees who objected to him working there. The question then arose as to where Gxokwe had been getting the weapons and patronage with which he was

allegedly arming and training the Junior Big Eight gang. Elese alleged that both Sylvia Ngozi and Thelma Matyeba of Unathi Village were also involved (Elese; 09/04/1996).

On the same day, Depoutch Elese had reported on the results of the local ANC election for the Ward C18 (Unathi Village, Section Four, and Phase One) candidature for the LGE as reported in **[4.3.7: 58]**. Elese also reported that the candidates for Ward C17 (Boy's Town and Section Two) would be Melford Gwayi (ANC, Section Two) and possibly a representative from the PAC. For Lower Crossroads and Vietnam, Matwanyi (ANC, Vietnam) would be the only candidate.

At the same meeting, Elese had produced iSLP (Integrated Serviced Land Project) bulletins announcing the development plans for all the African Townships and informal-settlements bordering on the N2 Highway out of Cape Town. It appeared that Sections One, Two and Three of Old Crossroads had been designated for council housing rather than 'site and service' (Ibid; 09/04/1996) **[RD:** April 1996**]**.

Two months later, Depoutch Elese had reported that he was "buying" himself out of the SANDF, in order to be able to campaign for the LGE. He had also reported that voter-education and pre-election meetings had been proceeding without problems in Old Crossroads. He mentioned that the ANC in his Ward had been approached by Victor Sam ("Small" of the former Big Eight gang) and a group of Cata taxi drivers requesting a meeting. The outcome had been that Sam had driven around Section Four with Maureen Hamse and Baba Ndinisa announcing by loud hailer an ANC meeting that had taken place the following week-end.(Elese; 09/05/1996). However, by the 12th May, Sam and Cata taxi drivers had been forming a body-guard for Clarence Makwetu (PAC President at the time) at a PAC meeting held at the Crossroads Community Hall, at which Nongwe had been one of the VIPs on the platform (Elese; 17/05/1996). The results of the LGEs on the 29th May, have been noted in **[4.3.7: 59]** In Ward C17, Gwayi polled 3000 votes over Halmans (PAC) with 796 votes **[RD:** May & June 1996**]**.

In September Elese, on behalf of the community, had failed in an attempt to oppose a bail application by Gxokwe who had been arrested allegedly for the possession of three un-licensed fire-arms (Elese; 28/09/1996).

During October, Elese had reported that the development in Phase Four would start in November but that the engineering contractors had still to be appointed. He had spoken of problems being experienced with the alternative development forum in Section Four **[4.3.7: 60]**. He also spoke of an intimidation attempt he had experienced

on the N2 Highway on his way to Cape Town in which a white merceds-benz car without number plates had tried to force him off the road (Elese; 09/10/1996).

When reporting-back on the outcome of a meeting, on the 24th October, called by Jeffrey Nongwe to which the councillors had been invited but the local RDP Executive Committee had not, to meet Councillor Sidney Ncate (CPA housing officer), Elese had confirmed that the development was to proceed. He added that there had been no intervention by the CPA at the meeting. However, Nongwe and representatives of his alternative development forum (soon to become known as the Crossroads Residents Association or Crora) were planning to march in protest to the Cape Town Civic Centre that day (Elese; 28/10/1996) **[RD:** October 1996].

1997:

4.8. ELESE EMBRACES HIS COUNCIL ROLE:

Early in February, Elese had been visited on two occasions by residents of Section Four of Old Crossroads who had complained of intimidation and extortion by Nongwe **[4.3.8: 61]**. As a result, residents of Section O, in Section Four, had wanted to relocate to get away from Nongwe. Elese had appealed to Director Daniels at the Nyanga police station and to Eluxolweni/Umac for assistance over the issue (Elese; 09/02/1997).

Although to outward appearances, the year had appeared to be passing relatively peacefully in Old Crossroads and the local Council/RDP development had appeared to be progressing with the first houses being built in Phase Four by November, all had not been well under the surface. At a meeting with Councillor Elese, on the 16th November, he had reported on the situation of unease in Old Crossroads that had been exacerbated by recent events in Khayelitsha. The Mayor of Khayelitsha, Vuyani Ngucka, had been attacked and there were rumours of a "hit-list" targeting some of the leaders, and wide-scale intimidation and harassment from an "... underground network of troublemakers". Elese had been equally concerned about similar tensions that had been emerging in Old Crossroads where, he said; "... strange people we don't recognise are moving around in this area". He conceded that in June he had been aware of suspicious people moving around, watching his movements and his house in Unathi Village. As a result, he had been parking his car in the Crossroads Administration compound ever since so that people would not know whether he was at home.

Elese had further related that in September, a friend from Site C Khayelitsha had

come to see him accompanied by an Apla Commander, Solomzi Sinxo, who wanted to meet him. Sinxo had wanted to hear first-hand from Elese what council development had been undertaken in Old Crossroads, as reports put out by the PAC had been negative and very critical of Elese. Sinxo had gone on to divulge that at a meeting attended by Thula Batyi, the PAC Regional Secretary (who Elese had defeated in the LGE), Batyi, amongst others had allegedly said that Elese should be assassinated. Sinxo had allegedly been ordered to effect this. But Sinxo, having met Elese, and having heard of the attempts made to accommodate the PAC in the local RDP, and in the council development projects, and that council decisions had been taken as even handedly as possible, had reported-back to the PAC Regional Executive that he refused to carry out their orders.

However, the situation had remained uneasy in Old Crossroads since. As Elese explained, there had been much jealousy since the LGE even amongst ANC members. As recently as the 30th October, at a funeral at which he had been due to speak, he had been informed that there were rumours that he would be shot and he had been advised to leave immediately. He added that he had been experiencing difficulties in that; "... friends are being infiltrated and attempts are being made to subvert them against me". He admitted that there were elements living in Unathi Village, who had been opposed to the new housing proposals since he had defeated Tyalimpi in the preliminary round of the ANC elections in Old Crossroads.

Elese alleged that Tyalimpi had been behind the problems that were being experienced. Tyalimpi had been secretary of the Unathi Village branch of the ANC since his return from a period in Johannesburg where he had gone to further his education after the LGE in 1996. According to Elese, Tyalimpi had been one of the youth who fled from Section Four and Nongwe's autocratic leadership in 1992, and sought shelter in Unathi Village where in time he had been allocated a council house. It had been alleged that he had links with Section Two where there were still "criminal elements" over which Councillor Gwayi had appeared to have little or no control. But that the Council had intervened by providing eight or nine jobs for youth in the area which appeared to have reduced the criminality. Elese viewed the criminality as having resulted from a lack of money for food and sheer survival. In reply to a question about the whereabouts of Siyabulela Khobo (abducted by Victor Sam and taken to Nongwe in Section Four in June 1993), he said that he was doing well at a "coloured" school, and that he neither smoked (tobacco or dagga) nor drank (alcohol) unlike so many of his peers in Section Two and elsewhere in Old Crossroads (Elese himself did not smoke or drink alcohol) (Elese; 16/11/1997).

Early in December, reporting on the development that had been taking place,

described in [5.13 & 14: 121-125], Elese felt that the rest of the programme, that he had promised his constituents on his election as Councillor in 1996, had been running smoothly up to date, with no violence having been experienced in Old Crossroads since (Elese; 07/12/1997).

On the 20th December, Elese, was involved in a serious car accident whilst visiting relatives in the Transkei. A car had come round a corner on the wrong side of the road causing him to swerve and leave the road on to a loose surface causing his car to roll four times as he tried to return it to the road. He had a passenger in the back who was unhurt but Elese, himself, was left with a multiple fracture of his right arm near the elbow. He had been insured through the council, but was unable to drive for some time and had needed specialist treatment to ensure the five fractures in the arm would heal satisfactorily. Elese had taken sick leave from his cuncil duties beyond the Christmas period, which was to prove costly at a time when serious problems had begun to emerge in Old Crossroads. These were to constitute a serious threat to the Councillors and the Council's housing development in the new year [**RD:** December 1997].

1998:

4.9. ELESE & THE CROSSROADS COUNCIL IN CRISIS:

Towards the end of 1997, a group of women, predominantly from Section Four and Unathi Village in Old Crossroads, had visited the Eluxolweni/Umac office in Nyanga East to complain about the housing development that had been taking place in Phase Four and the two councillors concerned in it, Depoutch Elese and Melfod Gwayi. The women had reputedly been led by Mrs Ngozi and it was alleged, had been sent by Nongwe, Ngxobongwana and Gxokwe on behalf of the alternative development grouping Crora (Eluxolweni; 08/01/1998).

Maureen Hamse (RDP Executive) of Unathi Village, who had been with the researcher to see the building development progress in Phase Four towards the end of December, had reacted with reticence and guardedness when questioned about the complaints of the WPG. She had added that she felt there was a need for Councillor Ncate (CPA housing officer) to come and explain again to the community about the housing development funding and the government subsidy policy and structure as he had confused the issue with inaccurate information in the past (Hamse; 15/01/1998).

When the researcher visited Elese early in February, he had appeared convinced that Hamse (ANCWL, and a former supporter from Unathi Village) had defected to the

PAC, and that she had joined forces with the WPG. He had repeated his conviction that Nongwe, Ngxobongwana and Gxokwe, were "using" the women (Elese; 04/02/1998).

Susan Conjwa (joint convenor with Hamse of the Mothers of Crossroads/Women's Peace Movement), who had been to see Hamse, reported that Hamse had denied that she was opposing Councillor Elese, but that she felt that he had turned against her. Hamse had admitted that she and Elese's wife were unable to relate to one another. She had also admitted that she had been at the Crossroads Council Administration offices with the first group of women **[5.**16: 126-132**]**, but that she was not part of the wider WPG (Conjwa; 24/02/1998).

On the 28th March, there had been a pro-Council mass march to re-launch the Masakane campaign. The march with the councillors in attendance had passed through all the areas of Old Crossroads encouraging residents to pay their rents and charges at the Ikapa/Crossroads Administration offices. It had signalled a radical change in the situation with the threat of violence by a vigilante group, the Apla/Qibla Task Force (formerly the Junior Big Eight) guarding the WPG members 'sitting-in' at the Administration Offices and preventing the marchers from entering the perimeter gates (Greenwell; 28/03/1998). Previously, there had been an arson attack, on a shack (B17) in Section Two, on the 17th March. Heightened tension between the pro- and anti-council development factions had followed the outcome of the march. Violence broke out with reciprocal arson attacks after an attack, on the 18th April, on house no. H24 Old Crossroads. The reciprocal attacks had allegedly been led by a group of youth supporting the Old Crossroads Council and its Councillors. It had heralded a sinister turn of events that had signalled the loss of any new-found confidence and trust in the Nyanga SAPS' ability to resolve the security threat **[6.**22 & 23: 195-197**]**.

On the 23rd April, Stulo Nqabisile (Section Four, ANC and RDP Executive member) and a Mr. Kupiso had been murdered. On the same day, attempts had been made on the lives of Elese and Sidinana (ANC chairperson in Section Four) **[4.3.**9: 62**]**.

In response to a directive from the ANC Regional Executive meeting in Old Crossroads, on the 4th March, at which Whitey Jacobs had instructed the two Councillors in the area to form their own advisory committees with representatives from their constituencies to promote better communication and community relations, Gwayi had apparently concurred but Elese had not. Elese had been described as arrogant and unwilling to take advice. Both the RDP and the ANC Alliance had not been functioning effectively and the situation was considered to be worrying and unsatisfactory according to two UnathiVillage residents (Ntshweza;Hamse;

23/04/1998).

During an interview with Depouth Elese a year after the CTCCC on Old Crossroad, the researcher had questioned Elese on his reason for not having formed an advisory committee as directed. He had replied that he had taken the matter to his ANC Executive Committee in Unathi, Phase One and Secion Four of Old Crossroads who had advised him that, "I must go and report direct to the Alliance and then the Alliance will be taking issues forward", as all the local structures were represented there and in the RDP Executive Committee for the purposes of consultation. Elese had taken this suggestion to the ANC Regional Executive who had agreed that if he had that "contact and communication good" [working well] he should proceed. Elese had confirmed that this contact and communication had been working well up to December 1997, when he had the car accident but that while he had been on sick leave the opposition to the housing had grown and crystalised with the sit-ins by the WPG. The wide-spread unrest culminating in violent conflict that had followed had rendered it unsafe to hold general community meetings until later in 1998 when the CTCCC Hearings had taken place (Elese; 13/10/1999).

Elese's position in what had become a politically successful division of the ANC in his local Unathi/Buntubakhe branch, although less threatening from the rest of his Ward C18 constituency, had left him isolated if not intimidated. The knight errant had appeared to close his visor and remain aloof from the fray. A serious chink had begun to appear in Elese's shining armour, the complaints about his lack of communication, consultation and accountability that had been circulated by the WPG had spread to his ANC constituency. The bi-monthly community meetings that had been held at the Crossroads Community Hall up until October 1997, had reduced in frequency and eventually stopped. Firstly, because his car accident had caused him to withdraw from community commitments and involvement for longer than was prudent and, secondly, because the security situation after the WPG "sit-in" since January had compromised the safety of holding mass meetings. Although understandable that he may have suffered shock in the car accident, he had replaced his Toyota Venture (thanks to his insurance through the Cape Town City Council) and was driving it in a month or six weeks. Given the will, he could have returned to take up the reins of the leadership role he had previously enjoyed. However, it had become apparent to the researcher that there had been a climate of paranoia and mis-trust from within his own constituency building in him over the previous six months before his accident that had been exacerbated by the WPG's intransigence and their public demands in the press. His democratic ideals had become severely compromised. His reaction, according to some, had been to regress to his military

up-bringing and treat his constituents to the same lack of consultation, issuing of directives and expectation of unquestioning obedience that had been expected of him initially in the MK, and then in the SADF/SANDF. There had been ongoing threats to his life and a recent incident on the 23rd April, had left his new car with bullet holes inside and out. There had been counter-allegations, at the time, that he might have initiated the shooting. At about this time, the councillors had applied to the Nyanga police for fire-arm licences with the agreement of the Cape Town Municipality who had supplied the fire-arms (until then, they were unarmed, unlike the statutory council before 1996 that had been armed by the CPA/local authority) **[RD:** April 1998**]**.

On the 9th May, Thembelani Ngozi, was shot dead in Unathi Village **[4.3.9**: 63-64**]**. The Nyanga police had later denied any knowledge of the funeral or the telephone call from Elese although one of their members had alledgely been present at the funeral **[RD:** May 1998**]**.

The previous week, the chairperson of the Crossroads CPF, Jodwana, had been asked to leave an ANC meeting at the Crossroads Community Hall by Mrs. Naki (ANC activist from Section Four, and mother of "Teenage"). The Councillors had been present at this meeting and had appeared to condone and endorse the request. Director Mpembe had also been present and had expressed his dismay after the incident. Jodwana had expressed his concern at the serious division that had arisen in the ANC party membership in Old Crossroads. A division that he alleged had been successfully engineered between the Unathi/Buntubakhe branch chaired by Tyalimpi (also area chairperson) who he alleged had been backing the WPG, and the Section Four branch who he alleged had been supporting Councillor Elese (a complete reversal of roles, or alliances, from the 1993 period). Jodwana had reported that intimidation had been rife and that people from certain areas had been too afraid to enter other areas, and vice versa, so that holding meetings had become difficult, and that it had been affecting schools and schooling, as well as hospital visiting in the same way that it had in 1993 (Jodwana; 02/06/1998).

Early in June, articles had appeared in the press announcing that the Cape Town Municipality had launched an urgent investigation into the conflict in Old Crossroads (Cape Times & Argus; 09/06/1998). On Thursday, the 4th June, youths of Old Crossroads had chased away Nongwe, his wife and family from their home in Section Four, without violence.

By the 23rd July a newspaper had reported on further violence in Old Crossroads with the injury of two youths on the N2 Highway and that;

> On Tuesday, [21st] more than 20 shacks, including a house belonging to Councillor Melford Gwayi were set alight. Shots were fired but no injuries were reported.

Later in the same article;

> Councillor Depoutch Elese said there were organisations which were misleading people and instigating violence in the area. I'm not involved in the violence, and I can assure people that this violence won't stop development in the area. 'Yes, the houses are small because the subsidy allocated for them is not really enough. But people should accept what they are given', he said (Cape Times: Ntabazalila; 23/07/1998).

During August, the CTCCC had been holding public hearings at the Cape Town Civic Centre "To investigate the nature of the allegations being made (these allegations emanated essentially from the Crossroads Woman Power Group [WPG]). Against Councillors Depoutch Elese, Melford Gwayi and Sidney Ncate:"The allegations that had been made against them consisted of;

- Lack of communication between councillors and members of the community; a lack of transparency;
- Nepotism - Councillors placing family members/friends in employment;
- Corruption - Councillors demanding service charges for unserviced sites;
- Lack of consultation on service charges rates increase

(CTCCC Report: November 1998).

4.10. MADUNA'S TRC AMNESTY HEARING:

On the 7th September, Mandla Maduna's application for Amnesty from the TRC's Hearing began at their offices in Cape Town. In his submission, Maduna maintained that he had been acting under orders from the PAC, as a member of an Apla Task Force, at the time of the attack, and that his orders had been to; "... kill the gangsters in house no. 2210 Unathi Village" (TRC Amnesty Hearing: Maduna; 07/09/1998).

The Elese family's legal counsel had contested Maduna's evidence by claiming that there had been no political conflict between the ANC and PAC, in 1993. Although the target of the attack had allegedly been Depoutch Elese, the family's counsel had protested that neither Elese, nor the victims, had been gangsters. "Teenage" Naki had been mentioned in the applicant's affidavit as the leader of the three perpetrators (Naki was alleged to be a member of the ANC, and his mother remained a known ANC activist in Section Four of Old Crossroads till the end of 1998) of the attack. Naki had

later been jailed for thirty years in the Eastern Cape on other charges. He had been widely known as a member of the Junior Big Eight gang in Old Crossroads at the time of the murders of Ndinisa Elese, Soga and Pauli. The third perpetrator, known only as "Come Again" had also been a known gangster and was thought to be in prison also. Mbulelo Victor Sam (also reputed to be a member of the ANC at the time of the attack) had also been mentioned in the applicant's affidavit as having delivered to the perpetrators a bag with two uzi machine guns and a pistol which had been used in the attack (TRC Amnesty Hearing: Fortuin; Attorney; 07/09/1998). Wilfred Sityodama (of house no. 2704 Old Crossroads, who had started a branch of the PAC in 1975, and had remained as its chairperson until 1996) in his evidence claimed that Maduna had become a member of the PAC, in 1991. Sityodama did not know when the Task Force had been formed. He maintained, that Victor Sam had been a member of the PAC and had renewed his membership two months before (July 1998). He maintained also that "Teenage" Naki had been a member of the PAC at the time of the attack in 1993 (TRC Maduna Amnesty Hearing: Sityodama; 10/09/1998).

During his evidence at the Maduna TRC Amnesty Hearing, Depoutch Elese was extensively questioned about the situation in Old Crossroads in 1993. He alleged that conflict in the community had been caused by Nongwe's liaison with the CPA in trying to persuade residents in Sections Two and Three to move so that 'brick houses' could be built. Elese had related how residents had refused to move, saying that the same story had been told in 1990 when residents had been moved to Lower Crossroads with the same promise made but that no development had taken place. He described the two taxi-war factions, "Lagunya" and "Webta", at the time of the 1991/1992 taxi-war in Nyanga, and their evolvement into "Codeta" and the subsequent defections that had taken place of the predominantly ex-Webta drivers to form "Cata". Elese alleged that the fatal attack, on the 19th March 1993, had been perpetrated on behalf of Nongwe by members of his Big Eight body-guard/hit-men of ex-Webta taxi-drivers. He further alleged that the attack had been directed against himself as he had been at the forefront of the opposition to Nongwe and the CPA at the time. During his evidence, Elese questioned the fact that SAP Intelligence (Capt. Annette Meyer and another, witnessed by the researcher on the morning of the 19th March 1993) had visited him on the morning of the attack, at the house no. 2210 Unathi Village, to warn him of the impending attack, and yet the attack had still been allowed to take place. He further questioned the origin of the uzi sub-machine guns used in the attack, as it was common knowledge that these were manufactured in Israel, and that they were known to have been issued to SADF MI agents during the apartheid government era. He concluded by saying that his family were not prepared to forgive the applicant as they did not believe that he had been telling the truth.

Finally, he expressed his anger that his family had been referred to as "gangsters" (TRC Maduna Amnesty Hearing: Elese; 07/09/1998).

On the 10th September at the TRC Maduna Amnesty Hearing, Vuyisile Mketsu (house no. 1690 Unathi Village), when questioned by the Elese family's attorney, said that he had joined the PAC in 1990, and that he then tried to recruit members in Old Crossroads. A branch of the PAC was established there, in 1991, and he became its treasurer until 1993. He denied that he had known the applicant Mandla Maduna then, or since. He maintained that Maduna had not been a member in 1992 and 1993, and that he knew nothing of a data base of members names being recorded by the region, as had been claimed by Sityodama in his evidence. Mketsu alleged that it had been common knowledge in Old Crossroads that Jeffrey Nongwe had instructed people to attack the Elese home. He said he had known of "Teenage" as a taxi-driver but had not been able to identify him as a PAC member. He confirmed that Victor Sam had been a member of the PAC since 1994, but that he had heard since that Sam had become a member of the UDM. Mketsu admitted that he had left the PAC, in 1996, when Gxokwe had been chairperson and he had been the vice-chairperson. Mketsu explained that he had agreed with the proposed RDP development at the time, but that the PAC had not. As a result, at a PAC meeting where Jeffrey Nongwe had been present (although not a PAC member), Nongwe had ordered Mketsu out of the meeting, and this had led to Meketsu's defection to the ANC. Mketsu had then become the chairperson of the Unathi Branch of Sanco (TRC Maduna Amnesty Hearing: Mketsu; 10/09/1998).

Nongwe had been present at the back of the hall on the last day of the Maduna TRC Amnesty Hearing. The proceedings had ended when the presiding Judge, Judge Hassan Mall announced that, as both "Teenage" and Victor Mbulelo Sam had been implicated in the affidavit submitted by Mandla Maduna before the Amnesty Committee, they might have to be subpoenaed to appear before the committee in camera, or at a further public hearing, if the committee considered it to be necessary (TRC Maduna Amnesty Hearing: Greenwell; 7-10/09/1998).

The Mandla Maduna's Amnesty application was dismissed by the TRC Amnesty Committee, on the 27th November. The Elese family had been notified of this by the TRC early in December 1998, and the researcher had been informed by the Elese family's attorney, but there had been no announcement of the decision in the local press (Fortuin; 01/12/1998).

4.11. CTCCC ON OLD CROSSROADS HEARINGS:

The CTCCC Hearings had continued through September and October and had included both written and verbal submissions. A comprehensive verbal submission had been given by Tyalimpi to the commission, on the 1st October. In his submission, he had been very critical of Elese and had made allegations of nepotism; unaccountability; lack of consultation with his constituents; and corruption; against him **[5.**17: 132-133**]**.

On the 6th October, Councillor Elese had given a second verbal submission to the CTCCC at their request in order to answer their questions on some of the allegations that had been made against him **[5.**17: 132-133**]**.

In an interview with Councillor Elese a year after the CTCCC on Crossroads Hearings, the researcher had questioned him on some of the concerns that had emerged there. Elese had denied any knowledge of CATA having been involved in a "neighbourhood watch" style patrolling of Old Crossroads but agreed that individual drivers of CATA taxis might have been involved in such patrolling. As regards the suggestion that he had had a personal 'youth' body-guard at that time he replied; "I never had a private body-guard of youth" but went on to say that the Cape Town City Council (CTCC) had supplied him with body-guards after the assassination attempt against him (23/04/1998). Both he and Councillor Gwayi had been given CTCC body-guards as a result of this, and though Gwayi had retained a body-guard (late in 1999), Elese had not had any since the end of 1998. The allegations of business dealings with Victor Sam, Elese had dismissed by saying that he hadn't had any relationship with him;

> Because I know him, what he has done to me and what he has done to my family, it is not very easy to forget that. Even if he is in my Ward I can't push him out I have to deal with all political parties (Elese; 13/10/1999).

He had gone on to explain that everybody had been entitled to tender for a business site in the area that had been in the process of development in Phase Three/Two and that when people had approached him, he had advised them of the proper procedure to be followed. This had been to send them to the relevant officer at the CTCC where their claim would be "adjudicated" by the proper authorities. He stressed that these negotiations had had nothing to do with him personally. He added that he only area the Council (the CMC having taken over the ownership of the land from the CPA in 1999) would retain would be for the multi-purpose community hall, the informal market and the meat market, and that the latter would be equipped with a deep freeze and would dispense with meat being sold by the roadside.

On the contentious "bail" issue, and where it had come from during the violence of 1998, Elese had explained that for these types of cases bail is provided by the community. A meeting is called and an amount set, and a further meeting is then called to collect the donations, for the meeting to hear of the progress of the case, and to elect representatives to go to the chosen lawyer. In answer to a question as to whether as a Councillor, he would have been involved in this, he had replied; "No". Elese's own participation at the bail hearings at the Mitchells Plain Magistrate Court is explained in **[6.23: 204]**.

Questioning him about his perception of the Nyanga SAPS during that period Elese had admitted that he had lost confidence and trust in both them and Director Mpembe. He said that he felt that after a promising start in Nyanga, early in 1998 when the conflict had been gaining momentum, Mpembe had come in at a difficult time with a firm but even hand and had opened up good lines of communication with the Councillors and the community leaders. However, this had been gradually eroded by mis-information, and he alleged that the wrong people had been arrested who were not the true perpetrators of the violence, and that inept police investigation had led to suspects being held on bail only to be released because their cases had not stood up in court. Elese admitted that this had led to a mutual distancing between himself and Mpembe. Despite this he had expressed regret and questioned the fact that Mpembe had been moved to Operation Good Hope, as he had no faith in his "white" replacement. He had hoped Mpembe would have been given time to settle down and be successful in his position at Nyanga once he had sorted out the dissidents in his staff and the dis-information that had been disseminated (Elese; 13/10/1999).

Depoutch Elese's Uncle, Tienie Elese, had died unexpectedly during December in Old Crossroads and would be a sad loss to the community, as a well-loved and respected, quiet up-standing man, who had survived the brutal attack on his home on the 19th March 1993. He had since been employed in a job where he had been valued, and he had shared his home with a son who had left school and was looking for work, and a nephew who was still attending the Nelson Mandela High School. Depoutch Elese's family responsibility had doubled as a result.

The CTCCC Report with Findings and Recommendations had been released on the 10th December, including the major essence of the written and verbal submissions that had been heard **[5.18: 103]**. The Findings had included a report that the WPG had since disbanded. The most serious allegation against Else and Gwayi of their involvement in the violence had remained un-proven.

> The Commission cannot, on the available evidence, make a finding that any of the Councillors have been involved in violence in Crossroads despite the evidence submitted to the Commission. It would be unfair to draw any conclusion on suspicion, rumours and charges. However it should be noted that some charges are pending and sub-judice and some have been withdrawn against the Councillors. Until any of the Councillors are convicted, the Commission is not able to make any finding of their guilt or involvement (CTCCC Report Findings; November 1998: 187).

Competent and intelligent people like Depoutch Elese, legitimately elected to the role as Councillor but without prior experience and little introductory training need, clear directives, comprehensive information on all council socio-economic developmental issues and committed guidance from their superiors so that they do not become a law unto themselves.

1999/2000: POSTSCRIPT:

When interviewed in October 1999, Elese had reported that a total of one thousand four hundred houses had been built by the Council in Old Crossroads since 1996, and he had maintained that communication with his constituents had returned to what it had been until late in 1997, which is what had accounted for the smoothe development and delivery of houses. He elaborated on this by saying that communication had improved over the deployment of labour in this development;

> ... where I am not employing people as a Councillor but I am delegating that authority to the RDP. The RDP will go to the relevant SANCO Executive members and also WECUSA [Executive] members and get people to the township to be employed.

Elese had gone on to explain that his role was to notify the RDP of the number of workers that the contractors required and then; "... to supervise the quality of the houses, the quality of the work[manship], and within the maximum time period which we have set to them" (Elese; 13/10/1999).

Asked if he had any regrets about his election as a Councillor, Elese had replied; "Yes", and went on to describe his frustration with the people who had elected him in the beginning and had then turned against him and remarked that; "... you are put on the council to get them a job". He said that he had been disturbed by the fact that;

> ... the community leaders who had taken me out of the SANDF and had agreed to the council programme then had turned against

> me with toyi-toyis and assassination attacks without calling me to review the situation ... waited until I had the car accident when I had difficulties (Ibid; 13/10/1999).

Asked whether he would stand again for Council election in the LGEs of November 2000, Elese had replied that he was undecided. He said that it would depend on whether he was asked by the community to stand again, or whether by then he had had enough of the political in-fighting and would prefer to follow a business career in Old Crossroads, at the same time furthering his education (Elese; 18/10/1999).

Elese did stand again for the ANC in the LGE of December 2000 in Old Crossroads, and was elected with a sizeable majority. His nearest rival had been another ANC candidate who had then become an Independent. He allegedly led the opposing ANC faction, joined by defectors from the PAC and UDM to be found predominantly in Unathi Village.

Throughout the year the housing development had progressed peacefully and relatively problem free and by the end of the year 2000, Elese's dream of a holistic development of Old Crossroads had been well on its way for completion in 2001 **[5.18: 137] [RD:** December 2000].

5

THE LOCAL GOVERNMENT AUTHORITY

1986:

1. INTRODUCTION

In 1986, the Abolition of Influx Control Act 68, and amendments to the Slums Act 46 of 1979, and the Prevention of Illegal Squatting Act 52 of 1951, were introduced. At the same time privatised housing in African townships was made available. However, African urbanisation was to be controlled by the employment accommodation made available. Instead of 'separate development' the state was promoting what, Morris and Padyachee (1988) described as, "intra-urban social engineering". Perpetuating the apartheid government's 'divide and rule' policy, African urban planning was to include provision for;

> ... a class of privileged home-owners in formal townships within metropolitan areas; a class of lower-income, site-and-service residents on the peripheries of the townships and the metropoles; and a very low income class of residents in regulated squatter areas, on the further-most metropole peripheries (Corbett et al., 1989).

This policy of "orderly urbanisation" included measures to encourage industry to locate on the periphery areas of African townships to provide employment opportunities and to discourage further industrial development in highly urbanised areas. At the same time, informal sector employment was said to have been encouraged by gradual de-regulation and the abolition of minimum wage levels as well as health and safety requirements. De-legislation, which has proved to be questionable in the light of what has been sustained underdevelopment (Hansson, D., 1990: 41-42).

Despite these reforms, popular resistance mobilised in the African township and squatter areas around shared socio-economic issues such as unrealistic rents, sub-standard housing, poor wages, and low-level education. Resistance had followed that led to a national State of Emergency being declared on the 12th June 1986, and further renewed on the 12th June 1987, the 11th June 1988 and the 9th June 1989 (Hansson; 1990: 42).

During the 1986/1989 period, it should be noted that the National Party Government

attitude had changed, from its perception of a "total onslaught" as an externally inspired communist threat, to one of a "revolutionary onslaught" from a more internally based threat that could only be countered by low-intensity conflict which, as Hippler explains;

> ... recognises that the roots of insurgencies generally are intolerable social, economic, and political conditions ... . Some counter-insurgency planners even like to talk about 'addressing the causes' of insurgencies. But fundamental change is the goal of insurgents. (Low intensity conflict) aims at a status quo reformed only to the extent needed to continue in place. ... .
> It is a fight without appearing to fight (Hippler, 1987: 34 & 37).

The main purpose of this low intensity-conflict phase had been to bring down the levels of popular resistance by the minimum use of "overt and state-aligned" force, while building and sustaining support for the government. A policy which was aimed at "winning the hearts and minds" (Wham) of the people. At the same time those in dissent and actively involved in opposition leadership were to be targeted. "Law and Order" had to be re-enforced by the security systems before reform could take place (Hansson; 1990: 43 & 44).

From 1983 to 1990, an executive style of government dominated by the military had been instituted in South Africa with the inception of a National Security Management System (NSMS) later to become known as the National Management System (NMS) (Morris & Padayachee; 1988). By 1986, this had become a sophisticated instrument for monitoring the coordination of executive functions of civil government by the military. Joint Management Centres (JMCs) were installed in each development region. Mini-Joint Management Centres (M-JMCs) for each local municipality with Sub-Committees were designed to deal, in turn, with; "security"; "political; economic and social"; "communication (including public relations)"; and "intelligence" matters. These were to work in conjunction with Local Management Centres (one for the jurisdiction of each police station) to take care of administrative affairs in areas such as Old Crossroads. At a local level, Community Liaison Forums were formed with representatives from the police, the military, selected members from the local residents, PDP (Population Development Programme) liaison officers, social workers, politicians, and any interested groups or individuals from the community supposedly for a reciprocal sharing of information and negotiation on local authority intervention (Swilling & Phillips; 1988, and the Pretoria News; 29/11/1989, in Hansson; 1990: 46 & 47).

Also in 1986, in line with the aim of decentralisation at the time, the Abolition of the

Development Boards Act 75 of 1986 was passed, and Development Boards gave way to provincial authorities. Departments of these were set up to provide welfare type services and development, specifically for Africans (Crawford; 1989). This meant that greater responsibility now fell on the local authorities than had on the previous city councils. Their duties included the provision of houses, deciding on the rent and rate scales and effecting the collection of these, as well as overseeing and controlling local health and education matters (Grassroots; August 1988). Central Government, however, retained jurisdiction over welfare at the local level by deciding on its policy and budgets, and the appointment of its staff. This led to the lines of accountability becoming blurred and the spotlight of popular opposition conveniently becoming deflected from central government (Hansson; 1990: 53 & 54).

However, once official African urbanisation took place, residents of all these areas began to mobilise around social inequality, and their demands for public works, services, and welfare, could no longer remain unattended. According to Crawford, the NMS and PDP selected key African townships in which to implement up-grading programmes (1989). Among the thirty-four areas, which became referred to as "oilspots", where state resistance was considered to be potentially serious and which were chosen for political rather than human need expedience, was Old Crossroads in the Western Cape (Borraine; 1988, & Seegers; 1988, in Hansson; 1990: 50) (TRC HRV KTC Hearing: Schelhase; 11/06/1997).

2. THE OLD CROSSROADS ADMINISTRATION:

Old Crossroads covered an increasingly wide area and had become both spatially and at times politically divided as a result of the struggle for land and space for a home in the face of what had been the NP government's "scorched earth" policy promoting "forced removals". The translocation, had taken the form of destruction of existing informal-settlement homes by arson, or so-called "voluntary" removals due to intimidation. The areas worst affected had been those located on the sites designated for development, in the areas known as Sections One, Two, Three, Four and Boys Town and the already urbanised areas known as, Phase One and Two (Unathi Village) on CPA owned land bounded by the N2 Highway, the Lansdowne Road and Mahobe Drive.

As the TRC Final Report of October 1998, describes it;

> ... the repeated conflicts in the squatter areas of Cape Town in the 1980s have their roots in the stat's Coloured Labour Preference Policy, which resulted in rigorous influx control, pass law prosecutions and squatter camp removals. The discrimination

> between Africans with legal and permanent residence in Cape Town and those deemed 'illegal' and living mainly in hostels and squatter camps created the environment for the conflict that tore communities apart. It also led to a very fragmented and divided civic movement in the Peninsula (TRC of S.A: Report; Vol. 3. paragraph 243. 1998: 463).

As a result of the 1986 violence, refugees and their leaders from informal-settlements and the KTC battle-ground, where 65% of the area was said to have been razed to the ground, had settled in nearby areas known as, Brown's Farm, Black City, Millers Camp, Mpheta Square, Mpinga Square, Mkonto Square, as well as the areas already mentioned above in Old Crossroads (Goldstone Report: 1993: 14).

With the abolition of the Development Boards Act 75, and the establishment of a Provincial Administration in Old Crossroads in 1986, Ulrich Schelhase was seconded from the Cape Provincial Administration (CPA) and appointed as the Town Clerk. His position was supported by the NSMS in the Western Cape in the form of a JMS for the region and a Sub-JMC for the area.

After the seemingly successful ousting of progressive organisations and activists from Old Crossroads during December 1985, and January 1986, Johnson Ngxobongwana had seen the need to gain some legitimacy with the local authority in order to gain a controlling influence over the proposed up-grading of Old Crossroads with the two million rands that had been promised by the government housing minister, Chris Heunis. On the 24th February 1986, Ngxobongwana, who was perceived by the local authority to be the populist squatter leader;

> ... with the support of a newly constituted working Committee, held elections ... . Although he was re-elected as chairman of New and Old Crossroads, the vast majority of residents in these areas did not cast a vote. Less than 6000 out of the estimated population of over 80 000 took part in the election (Cole; 1987: 121).

However, as Cole relates, Ngxobongwana had been successfully "bought off" and co-opted by the authorities during a spell in prison (January-April 1985) **[4.2:** 31**]**.

After 1986, the seeds of coercive dependency had been sewn in "traditional" squatter hierarchy. In 1987, the changes in local government administration had become further entrenched with the cooption and patronage of local leadership to assist in implementing the "oilspot" strategy selected for Old Crossroads. As a result, Ngxobongwana had drawn closer to the local authority administration and Ulrich Schelhase, the Town Clerk, in particular (Wessels, A., 10/12/1996).

1987/1988:

3. OLD CROSSROADS DEVELOPMENT BEGINS:

The area known as Old Crossroads had been an example of this so-called "orderly urbanisation". During this period in 1987, the infra-structure for water, sewerage and roads in Phase One of Old Crossroads had been put in place, but by 1988, the mayor and council (local authority) of the area were alleged to have sold the land to the private developers, Bester Homes, Habitech and Wimpey. Houses were built that were too expensive for the local squatter community and it had meant that buyers were brought in from other township areas causing anger and resentment among the resident squatters. At the same time, a library, a spacious community hall, a secondary, a primary and a pre-primary school and a day-hospital had been built in Old Crossroads, as part of the government's "oilspot" strategy of "orderly urbanisation" and "community development".

During October 1988, Ngxobongwana had been officially appointed Mayor of Old Crossroads and the Crossroads Town Council had been legally constituted with seven council members. This had necessitated a reduction in Ngxobongwana's council/committee members which had caused dissent and division amongst those who remained outside the council (Wessels; 28/04/1998).

1989/1990:

During this period, probably in an attempt to placate the squatter community, the last rented council housing developments in the African township area of the Cape Metropolitan District had been built in Old Crossroads. One enclave of these was built behind the private development houses in Phase One and these became known as the "Topcor Houses". The Topcor Training Centre, with a market; training-centre; space for shops; and a post-office; was developed by the local government authority at this time. Across the road from Phase One, a larger council housing estate was built in Phase Two at Unathi Village which became known as the "White Houses". Tenants of both these council housing developments, who had fulfilled the requirement of being on the official council housing "list" and were up-to-date with previous "site" rents and "services" monthly payments, had moved in from the surrounding squatter areas of Old Crossroads. Again there had been anger and controversy over the distribution of these houses which had taken three years for completion.

During the same period, a strip of land across the Lansdowne Road from Old

Crossroads and Nyanga East had been designated for small-business and industry development which became known as Philippi Industria. Meanwhile, the squatter areas of Old Crossroads (soon to be referred to as "informal-settlement" areas), had remained in Sections One, Two, Three and Four (within the triangle formed by the Klipfontein Road extension's junction with the Lansdowne Road), and Boy's Town (across the Klipfontein Road from Unathi Village and Sections Two and Three).

4. OLD CROSSROADS LEADERSHIP DIVIDE:

By the end of 1989, reports had appeared in the press about heightening tension between the followers of Ngxobongwana (the mayor of Old Crossroads) from his power-base in Section One and the growing group in opposition to him led by Jeffrey Nongwe. Nongwe, who had been Ngxobongwana's committee chairperson based in Section Four, had broken away from Ngxobongwana with fourteen of his nineteen headmen; "... one of the major reasons for the conflict between the two groups was the alleged fraudulent practices in the use of money collected from residents purportedly to improve their housing" (Cape Times: 07/12/1989).

In a newspaper article early in 1990, it was reported that;

> At the week-end a blaze destroyed 210 shacks in Old Crossroads hours after shots were allegedly fired by town committee members' supporters at a large group of Mr. Nongwe's followers taking the US Civil Rights activist the Rev. Jesse Jackson's township tour (Cape Times: Bateman; 14/02/1990).

A month later, the same reporter wrote;

> At least three people have been shot dead, two wounded and 23 homes attacked as a campaign of intimidation against Old Crossroads residents moving into newly built houses gathered momentum this week.

And further on in the article, that;

> Reliable official sources said that only 52 of 200 completed four-room homes in Phase 2, Old Crossroads, had been occupied since they were allocated and the keys handed to their prospective occupants three weeks ago (Cape Times: Bateman; 30/03/1990).

The die had been cast and a pattern of opposition, to what had been perceived as an illegitimate local authority structure with a government appointed mayor and council, had begun and was to continue with different role-players from different political persuasions.

Local authority plans to bring "site and service" facilities to Sections One, Two and Three, had to be shelved from 1990, as a result of the conflict which had become volatile between the mayor, Ngxobongwana, the council and the squatter communities over the distribution of the council housing in Unathi Village. This conflict had led to a Council and Security Force backed "scorched earth" type clearance (similar to the one in KTC in 1986) in 1990) of the residents from Section One to an area (across the Lansdowne Road and beyond Philippi Industria) known as Lower Crossroads. The conflict had culminated in the overthrow of Ngxobongwana by Nongwe, who had then assumed power and established himself as the ANC chairperson of Old Crossroads. Meanwhile, the authorities had provided Ngxobongwana and his followers with an electrified "site and service" informal-settlement area at Driftsands across the road from Khayelitsha **[4.2.2**: 35-36**]**. Although he was to remain mayor of Old Crossroads until 1993, his rule of the area had effectively ended.

5. NEW LEADERSHIP PATRONAGE EMERGES:

The "patron-clientelism" spoken of by White, in which strong charismatic personalities wield great power by gaining access to resources which can be used to reward clients and punish opponents had remained a threat in Old Crossroads, and, as she suggests remained an "... obstacle to democracy and effective development" (White; 1993: 1).

The local authority had already begun to accept Nongwe as the local leader and had begun to use his services in attempting to persuade the residents of Section One to move to Lower Crossroads. Nongwe had promised the residents that they would return to "brick houses" in three months and many had moved willingly as a result. However, this promise had not become a reality and was later denied by the local council authorities who had planned only "site and service" development up until the time of the local government elections in 1996 (Wessels; 10/12/1996).

1991:

In July 1991, at a Resource Forum meeting of monitors representing NGOs, there had been a report-back from Umac on the "youth violence" in Old Crossroads, where two of their field-workers had been mediating an attempt to bring the two warring factions together. One of these factions backing Nongwe, was said to number between six to eight thousand members who were reputedly being manipulated by the Town Clerk, who had allegedly allowed some of the "youth" to be armed and trained by councillor/council employees. The other faction had been described as more "radical" and urbanised. Both groups were reported to have representatives of the ANC, the

PAC and members of other political groupings. The dispute, it was said, had arisen over council houses built on the understanding that they would go to both sides but that this had not appeared to have happened. The Town Clerk, who had been arrested on a murder charge (but subsequently released), was described as seeming to be the only common denominator in the troubles there since 1985 (Resource Forum Meeting: Umac; 18/07/1991).

Soon after in 1991, "Tollie" Thorpe, also on secondment from the CPA, had been appointed Town Clerk of Old Crossroads in place of Ulrich Schelhase who had returned to the CPA but had remained in the forefront of its provincial administration. Andries Wessels, who had been employed as a ground technician by the Old Crossroads Administration since its inception in 1987, had then been instructed by the CPA to be the contact and conduit between them and their new client, Nongwe, while Thorpe was to concentrate on the council and its administration (Wessels; 10/12/1996) **[RD:** July 1991**]**.

1992:

6. CROSSROADS TOWN COUNCIL FACES CENSURE:

A press release of the 6th February, on a Cape Town Supreme Court hearing the day before, reported that Paul "Ricky" Schelhase had given evidence to the effect that; "Crossroads was at war for 18 months as rival groups locked in a violent power struggle committed arson and murder," while describing the situation as it had been the year before, and speaking;

> ... in mitigation for two men found guilty of murder and 10 counts of attempted murder;
> The conviction of Allion Gxokwe, 36, and Alfred Mano, 45, supporters of former Crossroads mayor Mr. Johnson Ngxobog-wana, followed an arson attack on a shack in which 12 people were sleeping .
> The attack happened in Boy's Town, ... February 1990 in the midst of violent conflict between Mr. Ngxobongwana and his rival, Mr. Jeffrey Nongwe.
> Two Nongwe supporters in the shack were burnt to death (Cape Times: Viljoen; 06/02/1992).

The following day, Gxokwe and Mano, were sentenced to twenty-four years imprisonment which had effectively closed down the council training and arming of youth to protect its recipients of patronage **[RD:** February 1992**]**.

On the 13th May, an ANC activist Buntubakhe Ndemane, was shot dead as he tried to

leave the Topcor Centre Community Hall after an angry confrontation between himself and Crossroads Councillors at a community meeting at which the Town Clerk, Thorpe, Councillors and Council employees had been present. The meeting had been called to inform; "... the public of an intended survey of [the] brick houses in Unathi", according to Depoutch Elese in an interview with the Weekly Mail. Three people were arrested and on the 18th May;

> ... Crossroads councillor, Serasi Nelson (Poni) de Wet and two council employees, Eliot Nkanti and Simphiwe Roger Mnyemani, appeared in the Mitchell's Plain magistrate's court on charges of murder.
> The court book notes that when the men appeared their case was remanded to June 17 and bail was extended - indicating that they had already been freed on bail between the time of their arrest on Thursday and their first court appearance on Monday. The case file is unavailable.
> ... . According to Crossroads town clerk Tollie Thorpe, the three men were released on R500 bail each. None would be suspended from official duties until justice had run its course, he said. All five Crossroads councillors were provided with weapons, 'for their own protection' (Weekly Mail: Davis; 22-28/05/1992).

The Nyanga SAP had returned the council fire-arms to the councillor and the two council employees almost immediately. By the 14th May, reports of intimidation by armed councillors and council employees driving around Unathi Village had culminated in Elese being removed to a place of safety and others being temporarily re-housed. The following day there was an Old Crossroads community meeting at the Topcor Training Centre Hall chaired by Nongwe, who welcomed Jan van Eyk, and two other Umac monitors **[4.3.**3: 43 & **6.**7:156-159**]**. The murder had brought together the two warring factions in opposing the council and its employees **[RD:** May 1992**]**.

Meanwhile, information of conditions in Lower Crossroads had emerged from John Mithana, a former Ngxobongwana headman, who had moved there at the beginning of 1992. He described how he and others had been persuaded to move from Section One on the understanding that they would return to brick houses in Section One and, that, from an agreement reached in 1991, they would not have to pay rent while living under the bad conditions of Lower Crossroads ("night-soil" latrines and scarce communal taps on the perimeter). However, by the middle of 1992, there had been rumours that they would have to start paying "monthly rentals", yet no development had taken place at Section One. A meeting of headmen of both Lower and Old Crossroads had been called soon after, at which, "The CPA's Mr. Thorpe and his team", were present and as no agreement had been reached it was decided "... to take

the issue to a general meeting later in the day to hear the views of all the Crossroads people";

> ... at Mr. Nongwe's place. ... Mr. Thorpe proposed that each tenant in Old Crossroads should pay R10 per month as rent. ... Mr. Nongwe motivated that we should pay the increased rent in order to prevent the town council from suspending its services. ... agreed to continue paying R7. We also agreed that a mass meeting should be convened to bring this proposal to the residents of Crossroads.
> No meeting was ever convened. ... instead, Mr. Nongwe instructed all his headmen to convene meetings in their areas ... to tell people ... resolution regarding the R10 rent ... had been enforced. ... .
> On the 1st September, 1992, a very small group of people started paying ... . out of these R7 rents, R3.50 would be deducted for the 'Crossroads Fund'. ... Mr. Nongwe just decided unilaterally. ... .
> ... . You will also recall that this same issue - misappropriation of funds - arose under the leadership of Mr. Ngxobongwana ... . Mr. Nongwe could not answer any questions about how that money derived from the R3.50 levies was going to be used (Mithana, J. Statement given to Trauma Centre & NIM: 10/05/1993).

1993:

7. IMBASA SCHOOL INVASION:

In February, there had been a report of a 'sit-in' at the Topcor Training Centre Community Hall by the principal, Mr. C. M. Cweya, and parents from the Imbasa Primary School in Old Crossroads. The school had been operating on a "platoon system" for the past two years. Half the children had been having to start at seven in the morning, and the other half had not been finishing until five thirty in the evening, which during the winter months meant that children were having to walk one way in the dark which was unacceptable to parents. The Department of Education and Training (DET) had said that it had no funds with which to implement plans for two further schools in the area. At a meeting of the Parent Teacher Student Association (PTSA) a decision had been taken to occupy the Topcor Community Hall and adjacent offices with the agreement of the Town Clerk, Mr. Thorpe, but that the CPA and Mr. Faan Naude, or the DET, would have to provide the chairs, desks and partitions for the separate class-rooms (Umac: Rose-Christie; 22/02/1993).

The school had remained but with more substantial walls and facilities for class-rooms. It had become independent from the Imbasa Primary School and renamed the Qingqui Primary School. There had been council planning to re-house the school in the New Rest informal-settlement area next to the Topcor Training Centre when the DET was able to afford to build it but in the meantime the council had provided the

premises forfeiting the Topcor Centre's Community Hall [**RD:** February 1993].

8. CPA/LOCAL AUTHORITY 'FORCED' REMOVALS:

The same pattern of squatter-leadership/patronage had re-emerged by 1993, when Nongwe manipulated by the CPA controlled Local Authority had used his "Big Eight"/vigilante cohorts to enforce removals from Sections Two and Three of Old Crossroads. In February, David Nqambi, who had been forced to leave his home (house no.532) in Section Two, in 1991, by gun-men firing into the shack, was again attacked in Section Two (having re-built his shack on the same site). On the first occasion, he had recognised, Zankawala Booi, a Crossroads Councillor at the time, two "kitskonstabels" and others from Mr. Nongwe's headmen/committee amongst a crowd surrounding his house. On the second occasion, his shack was burnt down and he spoke of seeing, at three in the afternoon;

> ... a group of men in brown and green floral uniforms going past my house. When I went outside I saw that all the houses in my neighbourhood were burning. I saw a group of black men about 50 metres away and among them were Loleka, Chacklesa, Chester and Teenage [members of the alleged Big Eight gang/Nongwe body-guard vigilantes]. I could see that they were carrying guns, and I also heard shots being fired from their direction. ... I never reported this incident to the police" (Nqambi, D. Statement given to NIM: Rose-Christie; 23/07/1993).

Richard Mpokela, (of shack no. 723 in Section Two) had been shot at and his shack burnt down, on the 6th March, and both he and his wife were injured in the attack. He believed that he was attacked because he had been resisting the forced removals and that Nongwe had thought that he was a "ring-leader". He went on to relate that;

> On the morning of Tuesday, 9.3.93, he saw a group of men arrive in Section Two with two hired trucks. Among the men were Mr. Nongwe, Mr. Thorpe the Town Clerk and a Mr. Wessels. The men came to tear down and remove people's homes to Lower Crossroads. ... they began dismantling homes and while the people did not want to leave, no real resistance was made" (Mpokela, R., in NIM Report; 09/03/1993).

Later that evening at about 22h00, Mpokela had taken a NIM monitor, and a reporter from a local newspaper (South), to where the forced removals were still taking place. They found about ten to fifteen men dismantling their homes and placing the materials in the back of a large truck. It had proved difficult to get residents to talk. Some said they were "scared" and that they "just couldn't say anything". The monitor's impression had been;

> I felt the over-all feeling of the place was that the majority of the people are definitely against the removals but too afraid to resist. I spoke to a group of perhaps twenty people who had gathered near my car (out of sight from where the shacks were being dismantled). They all said that they did not want to move and that they feared further trouble in the days to come (NIM Report: 09/03/1993).

Another monitor had observed that on Tuesday, the 9th March, the people who were moving had appeared to be the Nongwe supporters. Other residents felt that the fact that Nongwe's supporters were now leaving and they were staying could mean trouble (NIM Report: 09/03/1993).

The Old Crossroads Town Clerk;

> Mr. Thorpe, confirmed with NIM that a programme of relocation was underway. He made the assurance that no one would be moved without their consent although he commented that some times the owner of the shack was not able to get off work in order to oversee the moving. From his perception Mr. Jeffrey Nongwe was the official leader of the community and was entirely satisfied with the action. He said he had about 2000 homes to move and would try to move 5 or 6 per day (Thorpe; in NIM Report: 09/03/1993).

On the 11th March, an ANC Unathi/Buntubakhe Branch and SACP Boy's Town Branch organised march had taken place starting from the Philani Centre (on the Unathi/Boy's Town border) to present a memorandum opposing the relocations, first to Mr. Thorpe at the Old Crossroads Administration offices, and then to Lieut. Hubbard at the Nyanga police station;

> 1. "Forced Removals" issue for which police will provide protection but not take sides;
> 2. Intimidation of community which police have promised to protect with increased patrols;
> 3. Follow-up of charges of [by] van Brakel of ISU who has the cases in hand (Unathi Village Demands: CPA/SAP; 11/03/1993).

On the 13th March, Hubbard had convened a joint meeting between community representatives of Old Crossroads and representatives of different units of the SAP at the Topcor Training Centre Hall to discuss the relocation issue **[6.8**: 161] **[RD**: March 1993**]**.

On the 15th April, violence had re-erupted in Old Crossroads. NIM monitors went

into Sections Two and Three to find over thirty shacks had been burnt out, allegedly by members of Nongwe's headmen/committee and "Big Eight"/body-guards. It had resulted in the complete demolition of Section Three and much of Section Two. The victims had moved, either to Lower Crossroads to join others who had moved voluntarily to a new electrified 'site and service' area across the road from the original 1990/1991 'forced removal' relocation victims, or, for those sufficiently intimidated to other surrounding informal-settlements **[4.3.4**: 44-48 & **4.4.4**: 73-76] **[RD:** April 1993].

9. GOLDSTONE COMMISSION FINDINGS:

The continuing violence and unrest had led to a community initiative headed by the Mothers of Crossroads, the LPC and representatives of NGOs lobbying the RPC over the seriousness of the situation and the lack of awareness surrounding it in the wider community of Cape Town and the Western Cape. It had led to an emergency RPC meeting to hear from representatives of all the major role-players their assessments of the situation and its causes. This had led to the establishment of a Goldstone Commission of Enquiry to investigate the public violence and intimidation in Old Crossroads in June **[RD:** June 1993].

A committee of three, chaired by the vice-chairman of the Commission, Advocate D. J. Rossouw, SC, Advocate F. C. Bam of the Port Elizabeth Bar and Advocate M. A. Albertus of the Cape Town Bar, held its first session on the 2nd July. Again all the major role-players were represented and verbal submissions were heard from the CPA/Local Authority; the Security Forces; the RPC; the LPC; NIM; the Political Parties; Jeffrey Nongwe; Conrad Sandile; Depoutch Elese; and some of the victims of the violence **[4.3.4**: 46-47] **[RD:** July 1993].

When the Commission's Report of its Findings and Recommendations were released in October, the general consensus amongst monitors of the situation in Old Crossroads over the years concerned had been that too much blame had been apportioned to the squatter leadership, in this case Nongwe, without implicating the role of the Local Government Authority and its CPA directors. The role of the CPA headed by Faan Naude, and administered locally first by Schelhase, and then by Thorpe as Town Clerks, and its connections with development agencies such as, the SLP and private developers, and their relationship with Wecusa had not been sufficiently explained or questioned. The link-up between the local government authorities and the security forces in supporting the local squatter leadership had not been satisfactorily explored or sanctioned **[RD:** October: 1993].

In terms of "development" the Commission found that;

> 6.5. Development has been undertaken in a piecemeal fashion, with supply far short of demand. Development has also been used as a vehicle for patronage in order to entrench the position of the existing leadership. The benefits that could accrue to the community through participation have largely been ignored or have been unattainable. Development has become divisive and a focal point of violence.
> 6.6. The lack of acceptable, democratic structures and the climate of political intolerance make the achievement of an inclusive participatory approach to projects to upgrade and improve living conditions difficult to achieve. However, failure to achieve these objectives continues to underpin development patronage and exclusivity, thus leading to violence (Goldstone Commission on Crossroads Report: 22/10/1993: 32).

However, the effect of the Goldstone Commission had appeared to stabilise the situation in Old Crossroads and reduce the violence to instances of criminal activity rather than manifestations of factional divide. Meanwhile, Ngxobongwana had ceased to be mayor, the Council had been suspended and no development was to materialize until after the Local Government Elections (LGEs) in 1996 **[RD:** December 1993**]**.

10. OLD CROSSROADS IN THE TRANSITION:

Old Crossroads remained confronted and challenged by the development dilemma that had been identified by Davin Bremner and Philip Visser, "... that there can be no development without peace and there can be no peace without development". In the same article, they point to the failure of Western economic development models and the extension of these in the local version of the apartheid system of separate development. A concept, that in their opinion, "leads to polarisation and bipartition which are a breeding ground for violence" (Bremner & Visser; 1995: 1-3).

Coming at a time when individuals and structures had become increasingly politicised within their residential areas in competing for perceived status rewards, particularly when it included development agency incentives, the attempt to manage the conflict emerging from such patronage did not question the psycho-social consequences of the underlying development agenda or theory. Instead it had delayed further, or had avoided the democratic right to socially enlighten, empower, and enjoin those who would be directly affected.

Perhaps more sinister is the suggestion that systemic repression that has haunted the apartheid system's policy of separate development had survived and will survive

endemically, if not authentically un-packed and un-ravelled, and its recipients de-briefed and de-mystified to reveal the depth of its permeation and permutation, along with its prerogative. State illegitimacy introduces competing microcosms of civilian governance and in the period of transition to legitimacy there is inevitably an "ideology-lag" among civil servants and people in authority.

1994:

In January, with Elese's call-up for military service it had given Nongwe the opportunity to re-establish his 'traditional' leadership in the constituencies of Old Crossroads, and to consolidate his connections with the CPA's local authority **[RD:** January 1994**]**.

11. CROSSROADS TRANSITIONAL LOCAL COUNCIL:

The first democratic National Government Elections had taken place from the 26-28 April, and had passed joyously and peacefully in the Western Cape. The ANC had triumphed elsewhere, but not in the Western Cape Province, or the IFP stronghold of QwaZulu Natal Province. In both these regions, because of potential violence, the LGEs had been delayed until 1996. The Western Cape, despite the ANC's over-whelming majority in the African urban and informal-settlement areas, had remained under the control of the NP. This had meant that the local government authority had remained in the hands of the CPA and their policies had remained the same. Although the ANC National Government policies such as the RDP had begun to be implemented, there had been no visible signs of its existence in Old Crossroads until after the first democratically elected 'legitimate' Local Council authorities had been installed in 1996. Until then, the Interim Council had consisted of statutory members and many of these had remained from the previous council that had been suspended in 1992 **[4.3.6**: 52**]** **[RD:** April 1994**]**.

Meanwhile, Ngxobongwana had become a Regional NP member of the Provincial Parliament and in August had been forced to leave Driftsands by ANC and PAC supporters who accused him of the alleged misuse of funds collected for development in the area and the lack of any report-backs on the matter. He and thirty of his NP followers had been allowed to set-up an informal settlement known as, "Green Place/Park" **[RD:** November 1994**]**.

The Town Clerk of Old Crossroads, Thorpe, having joined the ANC had left the Old Crossroads Administration to work elsewhere for the CPA after the General Election, and Andries Wessels had taken over as Acting Town Clerk until the new dispensation

in 1996 (Wessels; 10/12/1996).

Renewed violence had broken out in Old Crossroads by the end of the year and there had been arson attacks against the residents remaining in Section Two allegedly perpetrated by Jeffrey Nongwe's headmen/committee and body-guards with alleged retaliation from a criminalised youth faction from Section Two. Victims of the arson attacks in Section Two had sought shelter in the Mfesane Community Hall and an unfinished government clinic (without water and sewage pipe connections) next to Section Two and across the road **[4.3.5: 48-51] [RD:** December 1994**]**.

1995:

Approximately thirty residents of the Section Two informal-settlement, who had refused to move in 1993, and had been burnt-out later in 1994, were still sheltering in an unfinished government clinic across the road from the Mfesane Centre next to Boy's Town. Mrs Mbeka (who was alleged to have been "harbouring hooligans in her home" in a report given to the HRC on the 30/10/1994) had acted as spokesperson and Michael Mqulwana as interpreter at a meeting at which several problems related to employment emerged and those affected were referred to the Black Sash. Many requested blankets, clothes, food, building materials, and medical help for child ailments and for those needing medication who were too intimidated to walk through Section Four to the Old Crossroads Day-Hospital. Similarly, students were unwilling to attend the Imbasa Primary School or Nelson Mandela High School, both being beyond Section Four. Victims reported that the Red Cross had only visited them once bringing them emergency aid of one blanket, two tins of food and one loaf of bread per family (Greenwell; 15/02/1995).

Four women were subsequently transported to a Welfare Forum meeting at Eluxolweni on the 17th February, to report on their situation and to request assistance. By the 20th February, the Red Cross had been to Section Two to take the particulars of victims and had promised to return with relief before long. There were to be further problems over the distribution of this relief in March, with accusations made that some of the victims had been selling the blankets supplied to them. Gladstone Ntamo (ANC KTC chairperson) had been called in, in an attempt to resolve the matter before the Red Cross would agree to return. He and Malibongwe Sophangisa (chairperson of Eluxolweni) had subsequently managed to facilitate a solution (Eluxolweni: Sophangisa; 13/03/1995).

On the same day as the earlier meeting in Section Two, on the 15th February, reports began appearing in the press, highlighting the violence and intimidation taking place

in Section Two and the lower part of Boy's Town opposite Section Two where residents were sympathetic towards Section Two's remaining residents. The reports also highlighted the residents' lack of satisfaction with the role of the security forces; the Regional police authority; Patrick McKenzie's failure to meet with the warring factions; and the ANC Regional Executive's lack of apparent concern (Cape Argus; Mgxashe, M., 15/02/1995). Two days later the same newspaper reported on a meeting at the Mfesane Centre Boy's Town at which a representative for the Justice Minister, Dullah Omar, and Cape Provincial officials, Vincent Diba and Dunile Mawisa, heard from the senior book-keeper, Velile Hermans, that the Mfesane Centre's; "... hospitality has been stretched to the limit" (Cape Argus; Mgxashe; 17/02/1995).

The CPA's local authority led Old Crossroads Administration, backing Nongwe's leadership of the area, had been conspicuously absent from all these concerns and negotiations as the victims were opposed to the council and their patronage of Nongwe.

Meanwhile, the Old Crossroads Administration had offered the widow of Buntubakhe Ndemane an out of court financial settlement of one hundred and fifty thousand rands in reply to a civil case brought against them by the LRC, on behalf of Mrs Ndemane, claiming compensation for the death of her husband in 1992. The LRC were of the opinion that the case should be brought to court. With the help of contacts in Unathi Village attempts were made to find witnesses to the killing of Ndemane outside the Topcor Training Centre Hall, on the 13th May 1992 **[RD:** February 1995**]**.

On the 7th March, there had been a gathering of representatives, from Sections Two and Four, Boy's Town and PAC members from Unathi Village of Old Crossroads, at the Nyanga police station to meet with Provincial Ministers Patrick McKenzie and Gerald Morkel, at the ministers' invitation. The ministers had confirmed at the meeting that there was fifteen million rands waiting for the development of Old Crossroads but that no development could take place until there was peace and consensus amongst all the Sections of Old Crossroads (Eluxolweni: Sophangisa; 09/03/1995).

On the 19th March, Malibongwe Sophangisa facilitated a joint mass meeting, at the Noxolo School sports ground near Section Four, bringing together representatives and speakers from all the areas of Old Crossroads. Amongst these, Nomphulelo Khobo spoke on behalf of Section Two, Stulo for Section Four, Melford Gwayi for Lower Crossroads and Dukwe for Unathi Village, others spoke for Phase One, New Rest an Boy's Town. They were followed by Chris Nissen (Regional Chair of the ANC) and

Chief Patekile Holomisa (Contralessa). Nongwe, who had allegedly received a threatening telephone call the night before, sat throughout on the front row of the raised area that acted as a platform with a sizeable audience down below. Agreement had been reached and it had only remained for some of the leaders to sign a "declaration of peace". Initial objection to Gwayi representing Section Two had been overcome when he revealed that he had moved back to Section Two to reside, but that had left no representative to sign for Lower Crossroads (Public Meeting: Eluxolweni & Greenwell; 19/03/1995). A period of calm had followed in Old Crossroads and hopes and expectations were raised that development might begin **[RD:** March 1995**]**.

On the 2nd May, Mrs Buntubakhe Ndemane's civil case against the Crossroads Town Council began in the Supreme Court of Cape Town only to be remanded until August after a few days. By the 23rd May, the first signs of the up-grading of the Nyanga Bus Terminus had become visible.

The level of intimidation had still been high in Section Two of Old Crossroads. There were requests for a visit from the Animal Welfare Society (AWS) as some of the animals were needing treatment, but residents were too afraid to take their animals through the other areas to the Topcor Training Centre where the AWS held a mobile vetinary clinic once or twice a week **[RD:** May 1995**]**.

On the 11th July, the WPM (formerly the Mothers of Crossroads) celebrated the opening of their meeting-place at a room allocated to them by the Crossroads local authority in the Topcor Training Centre shops/business complex. It had previously been used as an emergency welfare relief store, arranged by the Welfare Forum meeting under the auspices of the LPC, who had hoped that the Red Cross, St. John's Ambulance and Shawco would co-ordinate welfare distribution from there. Meanwhile, the WPM had been attending a training course in First Aid with the Red Cross, as well as 'Educare' training for the members who wanted to open creches at their homes **[RD:** July 1995**]**.

By October, the Nyanga Bus Terminus up-grading had not been completed, and the entrance toNyanga from the N2 Highway out of Cape Town had broken up once more after superficial repair. All the roads in Nyanga and Old Crossroads remained dangerously under-developed, and there was no evidence of any other social up-liftment **[RD:** October 1995**]**.

In December the mayor of Old Crossroads, William Sidinana, had allegedly been attacked by residents of Section Two and the other areas outside Section Four. The attackers angered by the distribution of jobs, arising out of the Wecusa/PAC

sponsored alternative development forum Crora, had been awarded to Section Four residents only. Crora, headed by Nongwe and Mrs Ngozi, and supported by Nxgobongwana and Conrad Sandile allegedly had the support of the local council/CPA authority. Both had beeen perceived to be going their own way in opposition to the government's local RDP forum's policies. Malibongwe Sophangisa of Eluxolweni had been intervening, and attempting to arrange a meeting between the key role-players, the Sanco Regional Executive and the ANC Regional Executive (Sophangisa; 11/12/1995). When interviewed some years later Wessels had spoken of the former local authority development committee which had included representatives of all the constituencies, that had given way to the ANC government's RDP concept in 1994. He had been critical of the election of members to the Crossroads RDP Executive which he considered to have been unrepresentative and to have lacked adequate consultation (Wessels; 28/04/1998).

Meanwhile, a group of women had arrived from Section Four to say that Nongwe and his headmen/committee wanted Sophangisa to go to the Old Crossroads Community Hall to inform Section Four residents on the events over the week-end that had involved the mayor, after which Mrs Khobo had been arrested but then released. They wanted to know why she had been released. At the meeting, in a cordial atmosphere, Sophangisa had explained that he was calling a fully representative meeting the following day by which time he hoped to be fully informed himself about the situation (Eluxolweni: Sophangisa; 11/12/1995).

The meeting the following day, on the 12th December, convened by Sophangisa was held at the Nyanga police station and brought together residents from Section Four and the opposing faction from Section Two, Unathi Village, New Rest, the ANC Regional Executive and the Sanco Regional Executive, but there had been no progress. The incident that had caused the problem had involved representatives of the opposing faction from the other areas of Old Crossroads outside Section Four. Some of their members had marched to the Crossroads Council Administration Offices, and having confronted the mayor, had confiscated his cell-phone and car keys saying that these would be returned to him if he would drop the charges against them. The mayor, William Sidinana, had been alleged to be siding with Stulo and Gotyombi (both living in Unathi Village and like Sidinana, members of the ANC) and the PAC and Wecusa/Crora faction (Eluxolweni: Sophangisa; 15/12/1995).

The up-graded Nyanga Bus Terminus was due to be opened the same day (Eluxolweni: 15/12/1995) **[RD:** December 1995**]**.

1996:

On the 15th January, a newspaper article had appeared describing the situation in Old Crossroads as;

> Residents of the Peninsula's most famous shanty town, Old Crossroads, who have seen no development for six years are being denied R38 million in 'transformation' funds because their political leaders cannot agree on an integrated RDP forum. While the latest upsurge in bitterness aggravated by jostling for position before the Cape Metropolitan elections in May, the two main factions remain split along apartheid dispensation lines: The mainly tribal-based Councillors (now the Transitional Local Council) and their predominantly white administrators and an ANC aligned group, riven with splinter groups, but dominating the pivotal RDP Forum (Cape Times: Bateman; 15/01/1996).

The article had gone on to describe the events surrounding the mayor, of the month before, in which RDP forum members and their supporters had confiscated his cell-phone and car keys. On the 5th January, the mayor, William Sidinana's home had been set alight;

> According to a veteran Crossroads administrator and current executive officer Mr. Andries Wessels, metre-high walls of a partly-built creche near Unathi Village were smashed (12/12/1995) after claims by the RDP Forum that they were not consulted.
> Our dilemma is that we cannot give full recognition to a broad RDP Forum because the PAC, the Western Cape Squatters Association (Wecusa) and the Crossroads Resident Association are simply excluded - it's very frustrating', he said.
> 'There were Forum walk-outs by the PAC when an ANC chairperson was elected and vice-versa' (Cape Times: Bateman; 15/01/1996).

It had become abundantly clear where the loyalties of the Acting-Town Clerk of Old Crossroads lay.

The same article had continued with comments from Colin Appleton of the iSLP who warned that there would be war in Old Crossroads if development was to proceed without the agreement of all the parties. Chris Nissen of the ANC, the Province's Economic Affairs and RDP Minister, when interviewed had replied;

> 'In terms of RDP philosophy everyone should be involved.

> We are sick and tired of people jostling for positions at the expense of development in the area'. He promised to intervene in Old Crossroads'.

The article had gone on to explain the role of RDP Forums as advisory bodies whose job it was to; "... monitor implementation of the RDP by local authorities and provincial government" (Cape Times: Bateman, 15/01/1996).

Since its official opening, the up-graded Nyanga "Bus Terminus" had been in operation with only a few buses stopping to discharge and collect passengers before moving off again from the front two lanes, while the area at the back of the Terminus was replete with columns of Codeta mini-bus taxis lining up for separate routes. It appeared that the taxis had already taken control of what was intended to be a bus terminus and the buses were still congregating at an open space off Zwelitsha Drive near the Cala Dairy. As a result, Zwelitsha Drive had become almost impassable during the winter months **[RD:** January 1996**]**.

On the 16th February, judgement was handed down by Justice Rose-Innes in the Supreme Court of Cape Town in favour of Mrs. Buntubakhe Ndemane, in her civil case against the Crossroads Town Council brought by the LRC Attorney, Angla Andrews, with Advocate Barbara Gassner appearing on their behalf. The three suspects in the original criminal case, Spri Nelson (Poni) de Wet (a councillor at the time and the main accused), Eliot Nkanti (body-guard to mayor, Ngxobongwana and a council employee) and Roger Mnyawmeni (a council employee) had appeared in the case having been acquitted of the criminal charges against them. The civil case had rested on the evidence of witnesses, and the expert forensic ballistic evidence from a 9mm. semi-automatic parabellum (issued by the Crossroads Administration at the time to councillors and some of the council employee/body-guards) that had been provided by Dr. Klatzow. This evidence had not been produced in court for the criminal case. Dr. Klatzow had been able to isolate the findings to the gun of Eliot Nkanti, who had also been identified by witnesses, because of his distinctive limp placing him at the time of the crucial shots. Det. Sgt. Meyer had given evidence concerning the lighting in the Topcor Training Centre compound on the night of the incident and had produced the two cartridges that had been retrieved by the police at the scene of the shooting. Why this evidence had not been produced by the police at the time of the criminal trial remains a mystery but suggests, in the researcher's opinion, either gross incompetence, negligence or omission by intent on the part of the police at the time.

The official launch of the Nyanga/Old Crossroads RDP Forum had taken place on the 17th February. It was followed by a further meeting, on the 28th February, where it

had been decided that five representatives should be democratically elected from each area and organisation, along with two representatives from local NGOs to form a committee. Sophangisa had met with the mayor, Sidinana, and the Acting Town Clerk, Wessels, on the 22nd February, to discuss the concerns surrounding the employment of Section Four residents as workers on alternative development schemes, contravening the ANC Alliance and RDP's agreed development procedures in Old Crossroads. A general meeting was held on the 26thFebruary, for the issues to be discussed with Chris Nissen, the ANC leader in the Western Cape (Sophangisa; 29/02/1996) **[RD:** February 1996**]**.

By the second week in March, there had been more hopeful reports after the Nyanga/Crossroads RDP launch, with sub-committees having been formed for housing, health, youth, etc. The Public Works Department (PWD) had already started on the up-grading of schools in the area. Not so hopeful, however, had been the meetings convened between Sanco, Wecusa and Crora, with poor attendance at these that had led to a lack of any real progress (Sophangisa; 13/03/1996).

Efforts to bring together the Old Crossroads RDP and the alternative development forum in Section Four (Crora) by Sophangisa continued with a further meeting between him, Wessels and Sidinana, to attempt to convince them of the absolute need for groups to work together. With the LGE progress thus far, the intimidation and the threat of violence this had not seemed to be a likely scenario. Development had to begin by the end of 1996, or a large amount of development funds would be diverted elsewhere (Sophangisa; 11/04/1996) **[RD:** April 1996**]**.

12. LGEs IN THE WESTERN CAPE:

Local Government Election Day in the Western Cape, on the 29th May, had been cold and damp but had passed peacefully and without incident in Old Crossroads. With a Umac field-worker the researcher had visited and re-visited the polling stations to assist where needed, or simply to encourage and show solidarity with the presiding officers and their staff. The presiding officers were predominantly female and only one appeared unsure of herself but gained confidence as the day progressed. The result of the LGEs in Old Crossroads saw Depoutch Elese as the democratic choice for Ward C18 (Unathi Village and Phase One urban, and Section Four and New Rest informal-settlement areas), and Melford Gwayi for Ward C17 (Boy's Town and what remained of the Section Two informal-settlement) by sizeable majorities. Both stood for the ANC and both were followed by PAC, and then Independent candidates. Jeffrey Nongwe had chosen to stand as an Independent forfeiting his ANC status/membership as a result, as had Christopher Toisie in Brown's Farm who was

also defeated in his constituency **[4.3.7: 57-58] [RD:** May 1996**]**.

This had meant that the Old Crossroads Administration authorities would have to transform to accommodate the democratically elected ANC Councillors. Councillors who were intent on implementing ANC National Government policy in a Province governed by the NP and a CPA that consisted of old guard NP stalwarts, who would still be guiding the local authority..

Wessels stayed on as the CPA representative on the ground in Old Crossroads to assist in the orienting and overseeing of the new Councillors and the guidance of the other new Council members. Some of these Council members had remained from the transitional local council and some were representative of the new dispensation. Wessels who had been close to Nongwe since 1990 when had become the new client and had 'towed the line' with the CPA/local authority. While Elese was in the army, Wessels and the statutory interim council had a free rein with Nongwe and the discredited Ngxobongwana (NP Provincial MP). By pandering to their traditional leadership stance with patronage, the CPA through its local authority structure had ensured the "top-down" relationship perceived to be best for the African urban and informal-settlements and in Old Crossroads in the terms of their 'oilspot' strategy of development reward to a docile but repressed majority **[RD:** June 1996**]**.

As White observes, the assumption that "clientelism" would become obsolete once democratic local electoral processes were in place was as unlikely as it had been in the Italian example that she describes. Unless, as she maintains, the absolute need in a just and democratic society to eliminate it is recognized and a conscious effort is made to effect this; "... vertical ties between people at different levels of power and powerlessness - militate against horizontal ties of solidarity between the powerless" (White; 1993: 1).

In Old Crossroads, the attempt to address these horizontal ties of solidarity had become manifest in the RDP forum structure and the ANC Alliance. The ANC Alliance was an umbrella grouping attempting to draw together elected representatives from local civic organisations, as well as Sanco and Wecusa, the political parties and the RDP forum executive. Each grouping operated with a chairperson and executive committee with the intention of mutual information sharing, consultation and decision-making about matters affecting their local constituency.

A more recent NGO initiative had been an attempt to draw together the SAP and the local constituencies in several urban areas. The project was initially launched in

Nyanga/Crossroads as the Nyanga/Crossroads Community Policing Forum (CPF). It had attempted to draw together representatives of the local police under the station commander and representatives from all the community structures, from whom a chairperson and executive committee were elected to report-back to the general forum meetings and get their mandate of decision making on matters concerning their relations with the local police and policing matters in their respective areas **[6.15: 174]**.

With the re-alignment of civic structures in the post-election period, and the newly formed legitimacy of the local council, new opportunities will emerge inviting patronage. The possibility that this patronage will be manipulated for party-political/government/business purposes to create tension between rival parties or personalities as clients, will require close scrutiny.

By September, Cata mini-bus taxies had virtually taken-over the Nyanga Bus Terminus with buses still collecting and dropping off passengers but congregating further down and off Zweletsha Drive. Codeta mini-bus taxies had apparently been expelled from the ranks **[RD:** September 1996**]**.

In October, Councillor Elese had reported that council house rents had been lowered from eleven rands to seven rands and eighty cents per month. He had confirmed that the RDP development policy was to provide brick houses in Phase Four (formerly Section One) where the infra-structure for water and sewage pipes, roads and pavements was due to begin the following month. The RDP office was housed in a wooden building next to the Crossroads Administration offices and the plans for development of all the informal-settlement areas could be viewed there. Elese also reported that long-term plans for the development of the derelict Cement works (as part of the Wetton Corridor business development) skirting the Lansdowne Road opposite the Nelson Mandela High School, with a major police station, a magistrate court, a supermarket, and space for offices and a community centre were on the drawing board. There were more immediate plans to extend the Day-Hospital to a twenty-four hour bedded facility and for a shopping centre in Old Crossroads (Elese; 09/10/1996). Remarking on the above meeting with Elese and speculating on the local council authority CPA's influence with Sophangisa at Eluxolweni, he had re-iterated the need for an investigative meeting. A meeting between the CPA, the Old Crossroads RDP and Eluxolweni to investigate the relationship between the CPA and the Crora grouping, and between them all and the iSLP which still appeared to be operating despite the new dispensation (Sophangisa; 15/10/1996). Ten days later Sophngisa had reported that the Umac Director had been refused a meeting with James Slabbert of the CPA and iSLP. On the telephone Slabbert had informed him

that the Old Crossroads RDP committee had been disbanded due to its lack of representivity (Eluxolweni: Sophangisa; 25/10/1996).

Knowledge of the above alleged disbandment of the Old Crossroads RDP committee had been denied by a committee member, Maureen Hamse, on the same day. She reported that, she and members of the RDP committee had visited a Mr. Heraldien at the CPA office in Cape Town, on the morning of the 15th October. Tt had been decided there that Boards of 'Tenders' announcing the commencement of development in Phase Four would be put up on the 18th October, after a General Meeting at the Crossroads Community Hall, on the 12th October. Nongwe had objected to the Boards going up as he said negotiations were still underway. At the General Meeting Mr. Ncate from the CPA reported that sixteen people had been to the Cape Town CPA office to see Mr. Heraldien saying that they represented the community of Old Crossroads but nobody at the meeting knew about the group. The RDP Forum's committee reported to the meeting that they were going forward with the development as soon as possible. Nongwe had been present at this meeting but not Gxokwe or Ngxobongwana. Nongwe's body-guards were seen at the back of the hall of whom was a fourteen year old boy with a firearm. Because of this, Mr. Mbadlisa of the RDP committee had decided to close the meeting early.

According to Hamse, the RDP Forum's Committee had been elected after a General Meeting in Old Crossroads had called for ten members from each "structure" representing the community had met to effect the election. All these "structures" had attended, apart from the PAC and Crora (even after a reminder). Mketsu of the PAC had attended but could not persuade others, so Gxokwe had been elected in his absence. Mketsu had attended all the meetings but Gxokwe had not (Hamse; 25/10/1996).

On the same day, Councillor Elese had reported back on the outcome of the meeting on the 24th October. He said that there had been no intervention from the CPA and it had been agreed that the development should proceed. However, Nongwe and members of Crora were planning to march to the Cape Town Civic Centre in protest on the 28th October (Elese; 25/10/1996) **[RD:** October 1996**]**.

On the 14th November, the first signs of development had been visible in Phase Four of Old Crossroads while driving past. A week later a chance meeting with Elese and Wessels at the Crossroads Library had led to a guided tour of the development area in the rain. VKE Engineering had drawn up the plans for the infra-structure and Rocksol Construction Company had secured the contract to develop the area. We had then moved on to the Crossroads Administration offices to inspect the development plans

(Elese; & Wessels; 19/11/1996).

An interview with Wessels at the Crossroads Administration offices, revealed that he had started working as a "ground technician" with the Old Crossroads Administration in 1987, and that at that stage, he had been employed by the local authority. He described himself as not part of the management team but as part of the people. He confirmed that Old Crossroads fell under the JMS at the time, that Schelhase had been the Town Clerk from 1987, and that Ngxobongwana had been the Mayor or Old Crossroads from 1988 till 1993. He explained the early private housing development, to be followed by council housing development, in Old Crossroads and the tension that this had incurred. This, added to the division caused by the Council's constitution with seven members from Ngxobongwana's headmen committee of sixteen or so members who met weekly at the Noxolo School to sort out local affairs had led to the split with with his chief headman, Nongwe. Nongwe had broken away with eleven or twelve of the headmen and had eventually chased Ngxobongwana out of Section One in 1990. Wessels maintained that the Section One "removal" had been smooth but that promises had been made by Nongwe that could not be met. He agreed that Nongwe had then become the leader of Old Crossroads in the eyes of the CPA and its local authority who directed and controlled council affairs and policy. He described Nongwe as having been more aligned with the old regime and Wecusa, as a traditionalist up against the youth, but that he had tried to steer him through this and the Sanco/Wecusa divide. He confirmed that he had taken over as Acting Town Clerk when Thorpe left the Old Crossroads administration in 1994, but that the newly elected Council were in the process of appointing a Town Clerk for which notices for application had been distributed. He added that he would like to remain working in Old Crossroads in the new dispensation as he felt that he could still be of assistance in guiding the Councillors and their Council in their function (Wessels; 10/12/1996).

By the end of the year, the Old Crossroads RDP committee member had appeared content with the RDP's progress without any interference from Crora that she was aware of and she confirmed that Wessels appeared sincere in his desire to continue working with the new council (Hamse; 19/12/1996).

The re-surfacing of side-roads in Nyanga and a general clean-up there, as well as elsewhere in the African urban areas had begun **[RD:** December 1996**]**.

1997:

Early in the new year, Elese reported that there had been a demonstration, on the 7th February, at the Old Crossroads Administration offices where council workers had

tried to take Wessels (still acting town clerk) hostage over their grievances. Elese had been called in to negotiate and calm the situation.

At the same interview, Elese had elaborated on the development plans for Old Crossroads and had confirmed that there was still money left-over from the 1989/1990 development of Phase Two (Unathi Village and the Topcor) council housing that would be added to the government subsidy housing scheme money allocated to Old Crossroads (this was to prove to have been inaccurate [CPA?] information, in 1998, when it was established that this money had been designated for community development purposes). He predicted that the Phase Four development was scheduled for completion in June 1997, and that it would be followed by the development of Phase Three (previously Sections Two, Three and Four). He added that a DET primary school was planned for the New Rest informal-settlement next to the Topcor Training Centre (Elese; 09/02/1997).

On the 16th February, at the invitation of Elese, Val Rose-Christie and the researcher attended the awards ceremony of the year old Thabo Mbeki Educational Trust at the Crossroads Community Hall in the presence of the visiting Vice-President of the USA, Senator Al Gore, thirty members of the US Peace Corps, the local MP Zwelikila Booi, and Councillors Elese and Gwayi. The first five recipients of the awards were presented with bursaries for further education by Mr. Mbeki. It was alleged that PAC youth had tried to demonstrate and disrupt the occasion. Nongwe had been seen outside the hall but did not attend the ceremony **[RD:** February 1997**]**.

By April, the Primary Health Care clinic on the edge of Section Two opposite the Mfesane Community Hall in Boy's Town (which had provided shelter for arson victims from Section Two for many months from late 1994) had been completed and officially opened by Ebrahim Rasool (Provincial MEC for Health) **[RD:** April 1997**]**.

This had been part of a new Primary Health Care (PHC) scheme in which PHC clinics helped to siphon off patients, such as nursing mothers and chronic patients needing medication from the Day-Hospitals. New twenty-four hour "bedded" hospitals had been opened in Khayelitsha and Mannenberg that had led to concerns being expressed about health service delivery. Patients from the townships and informal-settlement areas could no longer go to out-patient departments at hospitals such as, Groote Schur (the major teaching hospital in Observatory a Cape Town suburb) or the Red Cross Children's Hospital at Mowbray a Cape Town suburb) without first going to their local Day-hospital or private doctor for a referral, only if necessary. Medical attention at Day-hospitals usually entailed waiting in line from four o'clock in the morning till well into the afternoon. Ambulances were still based at Pinelands outside Cape Town

which entailed delays and sometimes antipathy towards serving the African areas at night. There seemed to be unease and a lack of confidence in these government innovations (Conjwa; 26/09/1997).

13. LOCAL GOVERNMENT DEVELOPMENT:

By June, the Old Crossroads Council had been meeting to decide on the type of housing to be built once the infrastructure development in Phase Four had been completed. Elese reported that the community had rejected the type of housing being built in Delft (beyond Cape Town airport on the N2 Highway). At that stage, Elese had said that prospective home-owners would be given the option of the government subsidy house or to build their own house (Elese; 03/06/1997).

Meanwhile, the approach road to the Crossroads Administration buildings, which had been destroyed by the Sandf Group 40 vehicles, had been substantially repaired with drainage and foundations properly laid before the final tarmacadam. Similarly, in Nyanga East, Zweletsha Drive (which had been destroyed by the buses traversing it to the Cala Dairys rather than at the official Terminus) had also been fully repaired and tarmacadmed and traffic lights were in place ready for use. The road linking the airport entrance to Nyanga and Crossroads was blocked off and in the process of major repair, drainage and development. A private waste disposal company, Wade, was operating in Old Crossroads. Their large containers were strategically placed throughout the areas and, though it took time for residents to place their refuse bags inside the container rather than beside it, the council's "operation clean-up" had become more apparent. Council teams were seen regularly sweeping up the ever present sand in the streets and clearing the drains. The council owned Mhambi pre-primary school on the edge of Unathi Village opposite Boy's Town and next to what used to be Section Three had opened in Old Crossroads.

Later in June, a visiting Danish researcher attached to the TRC, had interviewed Elese at the Crossroads Council Administration office. Tracing his arrival into office at the local government elections and the development problems that had been experienced since, Elese spoke positively about the RDP forum. He explained that the iSLP was still in charge of the release of funds for the up-grading of Old Crossroads. He also explained that rents and service charges (covering the rates, water and refuse removal) for council housing would have to be increased to bring them closer to, or on a level with, those charged in other areas of the Cape Town metropole, but that concessions would be made for people out of work (Elese; & Burr; 18/06/1997).

At the RDP office next to the administration offices RDP committee members Hamse

and Ndinisa were helping informal-settlement residents to fill in application forms for their names to go on the council list for the allocation of the government subsidy housing to be built in Phase Four. These forms had been supplied by the iSLP who paid the RDP officials one rand per completed form (Hamse; 18/06/1997).

On the 9th, 10th and 11th of June, the TRC HRV Hearing on the KTC violence that took place on the same dates in 1986, had been held at the St. Gabriels e'Roma Catholic Church in Gugulethu (the African township next to Nyanga). A major contribution to the Hearing was a submission presented by Ulrich Schelhase. In it he revealed the NP's apartheid "oilspot" strategy that he had played a major part in formulating, and that had become operational backed by the NMS when he became Town Clerk in Old Crossroads in1987 (TRC HRV KTC Hearing: Schelhase, U., 11/06/1997) **[RD:** June 1997**]**.

While taking photographs of the development that had taken place in Phase Four, the researcher had encountered Peter Crafford of VKE Engineering whose company had drawn up the plans for the infrastructure for the Old Crossroads Council. There were four prototype houses that had been erected on the site. Three of these, of twenty-five square metres had been built by contractors with business connections with the previous apartheid government's Crossroads local authority. The fourth, of thirty-six square metres, had been constructed by a smaller builder who was prepared to build for smaller profit, but Crafford said that it was not up to standard due to a fault in the foundations. He did not consider it feasible to build a house of this size for the eight thousand five hundred rands that remained of the government subsidy after the same amount had been spent on the infrastructure (seventeen thousand rands in all was allowed by the government subsidy). Work was due to start the following week on some of the smaller houses. VKE Engineering had been involved in the development of Old Crossroads for the past ten years according to Crafford. The VKE on site Engineer reported that, initially, one hundred families from Section Two, two hundred families from Boy's Town and two hundred families from Section Four of Old Crossroads were to be housed in Phase Four (VKE Engineering: Crafford; 6/11/1997). By the second week of November, building of the houses in Phase Four had begun. Street lighting posts had been erected along the Klipfontein Road between Unathi Village and Boy's Town, and alterations and renovations had been made to the Klipfontein Road extension.

In an interview with Elese in November, he had reported on a disturbing incident in which his life had allegedly been threatened by a PAC directive. Further to this there had been a report of divisions emerging in his ANC constituency in Old Crossroads besides the old rivalries between the two ANC branches or, more specifically between

the Section Four Crora anti-council faction and the pro-council/RDPgrouping **[4.4.8:81-82]** (Elese; 16/11/1997) **[RD:** November 1997**]**.

14. THE YEAR's ROUND-UP - CROSSROADS COUNCIL:

In connection with the RDP development, Elese reported that keys to four houses had been handed over to the new owners in Phase Four, on the 5th December, and that a further eight were due to be handed over on the 12th December. The latter houses were the thirty-six square metre model being built by a Mr. Patel of Esitenase Africa, and eighty-three families, to date, had chosen these. The other twenty-five square metre model chosen by seventeen families were being built by Inveerats. The building was to continue over the Christmas period. On visiting the site together, we agreed that the houses remained undeniably small, but the larger, open-plan model, offered more manoeuvrability with the added space, and both models allowed for building on both front and back. This building-on had begun immediately on occupation in most cases. Owners we spoke to were understandably happy to have a brick house with a proper roof over their heads (although in some cases, the roofs were made of an asbestos compound material). Not so happy had been the sight of Cata taxies still gathered near the houses beside the Lansdowne Road and Klipfontein Road junction and there had appeared to be more than usual parked in defiance of a request from the council to re-locate because of the building

Reporting on other development taking place in Old Crossroads, Else said that the up-grading of the Nelson Mandela High School sports' field was almost complete. There were already changing rooms with hot-water showers and space for separate football and rugby pitches. Further funds (one hundred thousand rands) had been allocated for two net/volley ball courts and a further two more net/basket ball courts in the future. As regards the rest of the development programme that he had promised his constituents on his election in 1996, he felt it was running smoothly with no violence experienced in Old Crossroads since then. The Unathi Village council houses that had been damaged by fire, during the violence between 1991 and 1995, were being up-graded. The Mhambi pre-Primary School housed temporarily in two 'super-shacks' (used in the LGE) had been built. The development of the infra-structure of Phase Three was due to begin in mid-January 1998. VKE Engineering would again be over-seeing this development having drawn up the plans for it.

Elese had expressed some reservations about VKE's involvement as there had been some problems experienced with their officials who had found it difficult to adhere to a mandate from the new council and had been inclined to take decisions without consultation with the constituencies concerned, the council and the RDP. However, a

new project committee had been formed where VKE and Holistic Settlements (previously iSLP) were represented. In answer to a query about the role of the latter, he said it was hard to explain but that they had been paid substantially over the years for their services. He added that they were due to move out of the area in January 1998. His personal opinion was that iSLP had been created originally to give jobs to the "camp followers" of the CPA, and that now that the centralisation of development affairs under the Cape Town Municipality was taking place it would mean that consultant engineers will be available from the CMC, and that all financial decisions and payments would be done by them. In the past CEOs (Chief Executive Officers) had control over budgets of thirty million rands but this had since been reduced to five million rands, and for finance beyond this figure there had to be permission from the Municipal Council. He hoped that this figure would be further reduced to fifty thousand rands in the future. The current CEO was Andrew Boraine. In discussion over the current CPA, headed by Niel Barnard, he said that James Slabbert, Philip du Toit and Schelhase were still there from the apartheid past and that the latter was still involved in informal-settlement issues. He implied that Wessels, who was still frequenting the local administration offices in an advisory capacity was being directed by Schelhase and had no mind of his own. This had led to broken agreements and much stalling in the implementation of decisions that had been taken in council meetings. He mentioned that Ikapa was now working in conjunction with the Old Crossroads Administration (Elese; 07/12/1997).

Calling in on Phase Four the following week, the researcher had heard from Peter Crafford of VKE Engineering that the six houses due to be handed over by the council had not been passed by them so there would be a delay while modifications were effected (VKE Engineering: Crafford; 12/12/1997). Speaking with Archie Patel of Esitenase Africa the builder of the larger government subsidy houses, he had admitted that he would be left with only three hundred rands profit on each house. He said he was prepared to do this and work over the Christmas period as long as he was awarded a big enough contract to build further houses (Esitenase: Patel; 12/12/1997).

On the 20th December, Councillor Elese was involved in a serious car accident whilst visiting relatives in the Transkei. He was left with a compound fracture of his right arm and took sick leave beyond the Christmas period, which was to prove costly at a time when serious problems were looming over the building development in the new year **[RD**: December 1997**]**.

1998:

15. CROSSROADS ADMINISTRATION UNER SIEGE:

The year had started on a sinister note for the council as a result of a visit by a group of women coming from Section Four and Unathi Village to the Eluxolweni office in Nyanga towards the end of 1997. They had complained about the size of the houses being built in Phase Four and the ineptitude of the two local Councillors, and alleged that there had not been adequate consultation around the development planned for the area. Without prior consultation with the two Councillors, Eluxolweni/Umac had called a meeting to which they had invited the group of women now calling themselves the Women Power Group (WPG), representatives of the RDP Executive Committee and the two Councillors concerned. The Councillors had not attended **[4.4.9**: 83-85] (Eluxolweni; 08/01/1998).

Meeting with Elese a week later, he had seemed confident that there would not be a problem in the progress of the development of Phase Four as long as the WPG were not given a "platform". He confirmed that the councillors had been holding bi-monthly meetings during the last year with the constituencies of Old Crossroads to explain the development issues, and consult with them before decisions had been taken over how the development should proceed and what local labour opportunities would be available. He added that these meetings had been well-attended and that at these meetings residents had had the opportunity to air their views, questions and grievances. He reported that Stulo ("Tshawe", ex-Big Eight gang and member of the ANC in Section Four), who served on the RDP executive had reported that Mrs Ngozi and other women from the PAC and NP were part of the group [WPG] that had been formed by Nongwe, Ngxobongwana and Gxokwe to cause trouble as they were conspiring to "regain ownership of the development in Old Crossroads" (Else; 15/01/1998).

16. CROSSROADS - WOMEN POWER GROUP:

The WPG had pursued their case by occupying the Ikapa/Crossroads Administration offices (now under the control of Cape Town Municipality) for a fortnight from the 23rd January, and according to a newspaper report;

> As many as 50 women aligned to the Pan African Congress occupied the building at different times, but when police moved in yesterday at the council's request six women were present and they were peacefully evicted.

The report went on to list some of their grievances, as the need for the council to;

> ... resolve the waiting list and build 45ms homes rather than the 24ms to 38ms homes presently being built.

They also wanted; "... dilapidated schools in the area to be repaired" and said that they had marched on the offices when they heard that the rents of council houses and shack sites were to be increased (Cape Argus: Mackay; 12/02/1998).

In a further newspaper report a week later the same reporter wrote;

> Supporters of political parties across the spectrum have called on African National Congress councillors in Old Crossroads to resign because the 'have failed to deliver on election promises'.
> Crossroads Women Power, and women members of the ANC, the Pan Africanist Congress, the United Democratic Movement, the National Party and Inkatha Freedom Party made the call this week after the councillors refused to meet them to discuss their grievances.

Further on in the same article, Nozile Mbeka was quoted as saying; "... their councillors had done nothing to improve the quality of life". The women further claimed that a number of meetings with the Mayor, Teresa Solomons had not been successful (Ibid; 19/02/1998).

A SACP activist living in Unathi Village who was part of the ANC Alliance in Old Crossroads reported that ANCWL members had gone with the first group of women to the council offices but that they had been asked by the ANC Regional Executive to withdraw from the wider group of PAC, UDM and NP supporters. He felt that there had been irresponsible report-backs from meetings but he also felt that there was a need for Councillor Elese to address the ANC Alliance on all the issues involved (Ntshweza; 24/02/1998).

Meanwhile, the building of houses in Phase Four of Old Crossroads had continued **[RD:** February 1998**]**.

On the 2nd March, a newspaper article reported the arrest of six WPG members on a charge of trespassing; "... at the end of a five week sit-in at the former Ikapa Council Offices in Old Cros sroads". Later in the article Councillor Elese was quoted as saying when;

> Commenting on the women's call for the councillors resignation

> Elese said 'we won't resign because we were not elected by their parties but the ANC constituency which gave us a mandate to do the job. And we are doing that'.

Further on in the article, he is quoted;

> Mr Elese said the selection process for housing - one of the points raised by the protesters - favoured residents who had no council debts, and residents of more than 10 years' standing were being given preference over new arrivals Cape Argus: Mackay; 02/03/1998).

Two days later, on site in Phase Four, Elese had confirmed that another building contractor, Kevin Francis, would be joining Patel the following week to help speed-up the building. Reporting on an ANC meeting, on the 4th March, he said it had gone well and had been well-attended with approximately five hundred residents present. It had been decided that a Commission of Enquiry would be set up to investigate the back-ground to the WPG's beginnings and their membership. Their members, he said, were still 'sitting-in' outside the Council Administration offices (Elese; 05/03/1998).

In a newspaper article describing a WPG march to the office of the Western Cape Minister of Local Government, Patrick McKenzie and his response, the article added that;

> The women accuse councillors of 'bullying tactics', of giving jobs to members of their families, and failing to provide night-soil services. They claimed councillors had demanded fees from residents occupying unserviced sites.

The article went on to list the same grievances that had appeared in the two previous articles by the same journalist but added; "Mr. Elese, an ANC councillor, denied there had been miss-management of funds, as the councillors 'don't deal with money'" [confirmed later in an interview with Wessels at the CTMC's finance department];

> He said the women complaining about the size of houses being built were not even plot-holders. Most people had agreed to the building of 36ms houses.
> The Reconstruction and Development Programme Forum was representative of all organisations, and Crossroads Woman's Power was welcome to join them, Mr. Elese said (Cape Argus: Mackay; 11/03/1998).

On the 18th March, the same journalist reported that Minister McKenzie; "... is to instruct the Ikapa council to suspend building houses, which residents claim are too small, in Old Crossroads. Later in the same article, he is quoted as saying he; "...

would communicate with the police and [direct them to] stop harassing them and evicting them from the council premises" (Ibid; 18/03/1998).

In reply;

> The Cape Town City Council has complained to Premier Hernus Kriel over his Minister of Local Government Patrick McKenzie, claiming he acted in 'bad faith' and had interfered in local government.
> Ms. Mfeketo accused Mr McKenzie of not knowing all the facts, and chastised him for not asking for information from her or other members of the council before making his comments.
> 'She said the council was not the developer of the disputed land in Crossroads. It was owned by the province.
> 'I would like to place on record that the allegations of nepotism and corruption against the two councillors are unsubstantiated' (Cape Argus; 34/03/1998).

Meanwhile, the building of houses in Phase Four had continued and the ground for Phase Three had begun to be levelled in Old Crossroads. The pre-Primary School in Phase Three had been fenced in. A Masakane campaign march by pro-council supporters, on the 28th March, has been described in **[4.4.9: 84] [RD:** March 1998].

However, on the 7th April, there had been no sign of building at Phase Four and no earth-moving was taking place in Phase Three. The WPG were still "sitting-in" at the RDP office near the Ikapa/Crossroads Administration offices. Two days later, council supporters and the two councillors demonstrated outside the Nyanga police station and presented a memorandum to the Acting Station Commissioner, Sen. Supt. Perry. By the 14th April, still no building or earth-moving had been taking place in Phases Four and Three, but there were groups of people gathered at the developer's machine depot and near the 'buffer zone' between Section Four and Unathi Village. The situation had remained the same two days later when members of the WPG had still managed to get through the gates to the Ikapa/Crossroads Administration office compound and 'sit' inside the gates with members of the SAPS and the council security guard in attendance, clearly visible from the road.

By the 17th April, the building had re-commenced in Phase Four as had the infrastructure development in Phase Three. Five or six members of the WPG had been arrested for trespass, on the 16th April, according to the Nyanga police, and an interdict had been issued by the Mitchell's Plain Magistrate Court restraining the WPG members from interfering with the development programme (Nyanga SAPS: Williams, Sen. Supt., 16/04/1998).

In an interview with Andries Wessels, who was now based in the Finance Department offices of the CMC, he said that he felt the councillors had been rather intransigent over the WPG and that the lines of communication had not been good, but that the councillors had been within their rights and that the women did not have justifiable grievances. He added that the council closure of the "White Office" (the PAC meeting place) and the Nomzamo creche could have been construed as contentious, but that the payment of rent for the former had been erratic over the years though the latter would seem to have been a worthy case [the researcher had heard from Elese that the creche had been a Nongwe/committee stronghold]. Wessels added he was well aware of the under-currents and dissension amongst ANC ranks as well as the other political factions in Old Crossroads with regard to Elese, but he put much of it down to jealousy and as part of a gearing up for the general election in 1999. He was adamant that the situation in Old Crossroads was not, essentially, a housing issue. He maintained that the WPG had not intimidated the development workers in Phases Three and Four but that the hold-up on building had been due to problems with the contractors and their inability to pay for their building materials. He suggested that the thirty-six square metre houses were not viable at the eight thousand five hundred rands subsidy provided by the government. He mentioned that with the enforced closing of the Ikapa/Crossroads Administration offices the councillors were now having to work from their homes and out in their communities rather than from the council office which was perhaps a good thing in keeping them closer to their constituents (Wessels; 28/04/1998) **[RD:** April 1998**]**.

Early in May, there was no building taking place in Phase Four of Old Crossroads but development of the infrastructure in Phase Three was continuing despite very wet conditions. In an interview with Elese, he reported that the Ikapa/Crossroads Administration offices had been re-opened to the public but that people were still loathe to go there to pay their council charges. He confirmed that these rent/rates charges remained at forty rands seventy-two cents [including ten rands and seventy-two cents for water] per month per council house, and fifteen rands per month per shack [with water stand-pipes and 'night soil' removal] including refuse collection. He also confirmed that in order to be eligible for a new house, all outstanding council rents and charges had to be paid in full [which since the rent boycotts called by the UDF/ANC during the apartheid years had been been problematic for some]. House-owners who then failed to keep up with their council charges would become liable for court action but, he explained that, if the bread-winner was out of work and unable to pay, the council would consider the case and be lenient. Elese claimed that the WPG had been saying that they would halve the council charges when they came into power. He added that, in fact, the council charges were likely to be increased in the

new financial year, and that individual water metres were going to be installed in all the existing council houses as well as those in the process of being built. This might not be popular initially but was now government policy in the attempt to equalise council charges country-wide (Elese; 07/05/1998).

Building had re-commenced in Phase Four with a new contractor and the council were to be paying for the building materials in the future, as the delay had been due to the previous contractor's inablity to settle suppliers' accounts. By the 21st May, twenty-six houses had been completed and the keys handed over to the respective owners. Elese explained a new council scheme in which a prospective home-owner might be able to get a further subsidy of five thousand rands, for a forty square metre house, by putting down a deposit of two hundred and seventy rands and paying back the balance over two years in monthly instalments to a separate financial institution. Similarly, for a forty-eight square metre house there would be a three hundred rand deposit and the balance paid back in monthly instalments over two years. Service charges in both cases would still have to be paid to the council. All previously rented council houses had been handed over to the tenant/owners but the title deeds would only be supplied once the owner was up-to-date with the payment of all outstanding council charges. He added that for employed people there would be further options for building larger homes (Elese; 12/05/1998) **[RD:** May 1998**]**.

After mounting tension, arson attacks and several fatal shootings, early in June, articles appeared in the press announcing that the Cape Town Municipality (CTM) was launching an urgent investigation into the conflict in Old Crossroads;

> Cape Town municipality spokeswoman Leonora de Souza said the council had approached the Independent Mediation Services of South Africa to investigate the matter
> Public hearings would be held in an attempt to get to the bottom of the conflict.
> Over the past few months numerous allegations have been made against our ward councillors and by our ward council-lors against various organisations. An independent inquiry has been instituted so that all parties making these allegations will be asked to substantiate them', Ms De Souza said (Cape Argus; 09/06/1998).

Meanwhile, on the development front, Elese had reported that the Provincial Ministry of Health had been stalling over the building of the extensions to the Day-hospital in Old Crossroads which could lead to wastage of development funds as the contractors were waiting and would have to be paid on the contract completion date (Elese; 15/06/1998).

On the 16th June, there was a large ANC rally at the Crossroads Community Hall addressed by their Provincial leader, Ebrahim Rasool and others, at which the two local councillors had been present (Rose-Christie; 16/06/1998).

Building was continuing in Phase Four and the infrastructural development in Phase Three had progressed. Visible improvements to the area of Old Crossroads were trees planted down the roadside on the Eisleben Road, and children's play-grounds prepared for round-abouts, slides and see-saws in many of the areas.

Elese, explained that development in Phase Three did include provision made for private developers to build and own shops with flats above, but that the local authority would retain ownership of the land (CPA owned at the time, but to be handed over to the CMC). He explained, further, that the government subsidised council housing was only made available to those who were unemployed or to those who had been earning up to one thousand five hundred rands per month (previously the amount had been set at eight hundred rands per month but this amount had been increased after an appeal from the constituencies involved). This issue had been aired on the SABC TV (South African Broadcasting Corporation Television) "Cape at six" programme on which Elese and the Nyanga police Director Simon Mpembe had been interviewed, and which representatives of the WPG though expected had failed to attend (Elese; 19/06/1998) **[RD:** June 1998].

17. DEVELOPMENTS IN OLD CROSSROADS:

By the end of the first week in August, the development of Phases Three and Four looked well advanced, but parts of Section Two still remained. According to Elese, these shacks were owned by WPG members and that they would inhibit the development if they continued to refuse to move. He added that the land was owned by the CPA so it would be up to the them to secure a court order for the removal of the remaining shacks. But so far the CPA had done nothing. The cost of delays in the development, he explained, would mean that fewer houses could be built in the end. The VKE Engineering contract for the Phase Three infrastructure would run out by the end of the year and they would have to be paid in full whether complete or not. However, he confirmed that the building of the Crossroads Day-hospital extension had at last begun (Elese; 07/08/1998).

There had been a successful joint meeting of the main role players in the crisis in Old Crossroads at the Ikapa/Crossroads Administration offices, on the 6th August. The two councillors had been present along with members of the WPG, political party representatives and others from both sides in the dispute (Umac: Khalane;

25/08/1998).

Before the end of August, the HRC in conjunction with the researcher had delivered a written submission to the committee conducting the "Commission of Enquiry into the causes of conflict in Crossroads and Philippi" (CTCCC). The committee consisted of Attorney Essa Moosa as chairperson, Ms Geraldine Coy (Imssa) and the Rev. Mfenyana (previously of the Holy Cross Anglican Church in Nyanga). The HRC submission took the form of a brief chronological report, which sought to highlight relevant events, actions and rivalries that had, in the writers' perception, helped to shape the political landscape in Old Crossroads from 1986-1989 (HRC Submission to CTCCC: Levick, M., & Greenwell; 28/08/1998).

In the same month material from the research for this thesis was shared with the TRC researchers for their final report on the Western Cape **[RD:** August 1998**]**.

The CTCCC on Crossroads that had started in August had continued through September meeting from time to time at the Cape Town Civic Centre for public hearings but with very little publicity and communication between the commission and and organisations who might have attended. The HRC's written submission had been followed by a request to attend a public hearing, on the 23rd September, to enable the committee to question them on their submission. The researcher had attended and attempted to comply An ANC Executive member was questioned prior to the researcher, and several members of the WPG, including Sylvia Ngozi, had followed her (CTCCC Public Hearing: Greenwell; 23/09/1998).

After many months of reconstruction the main road from the Airport entrance to Nyanga and past the police station to the Bus Terminus had been opened in October. Informal trading stalls had been removed so that shrubs and flower-beds could be planted along the sports stadium road-side on the approach to the Terminus. Further road building was continuing in Terminus Road and hostel development had begun opposite the Nyanga Day-hospital. Meanwhile, in Langa 'township' new hostel development and up-grading of the taxi rank nearby was well advanced.

In Old Crossroads infrastructure development had been proceeding steadily in Phase Three but there had been little progress in the building of houses in Phase Four. According to Elese, the building in Phase Four had been suspended by the CPA due to their own internal problems as discrepancies had been found in the payment of contractors in some of their other development areas. This did not apply to Old Crossroads so building should have been allowed to resume.

In an interview with Elese, he admitted that the delivery of houses had been very slow, and that the contractor had said he would be unable to build the next batch of houses in Phase Three/One for the same price but would be prepared to build twenty-seven square metre houses for the same price. The Rocksol Construction Company, who had been developing the Phase Three/One infrastructure, had said it would assist with the building of the remaining houses if it was awarded the contract to develop the infrastructure in Phase Three/Two (Section Four). He added that there was to be a meeting with the RDPs to re-visit the plans for the development of Phase Three/Two where private entrepreneurs were to be offered the opportunity to develop the shopping/business complex but that this would not include the sale of the land. He added that there was two million rands available for the development of a multi-purpose sports/community hall to be built at the 'buffer zone' between Unathi Village, Section Four and what used to be Section Three (Phase Three/Two). Section Four would have to be moved to make way for the infrastructure development which might prove problematic but that this was also to be discussed at the meeting. He saw the possibility of two options, that residents might like to move their shacks on to their allocated site and build their own houses, or be provided eventually with a twenty-seven square metre house. Elese reiterated that early in1999, when all the original council houses had been handed over once residents had paid their outstanding debts with the help of the government subsidy, all the houses would be put on separate water metres.

Regarding the outstanding five billion rands spoken of by Mrs Schelhase of the CMC finance department when questioned at the CTCCC hearings, Elese explained that this money had been invested in the interim and the interest from it had been used to cover the short-fall in rents and charges not received in Old Crossroads over the years of the boycotts and since. He further explained that this money was not available for housing as that would contravene the government subsidy policy which was standard for the whole country. Instead, the money would be available for any other community development project that the constituencies saw fit to choose, e.g., an Old People's Home, a monument to the memory of those killed in the conflict in Old Crossroads over the years, etc. This had been brought to the attention of the RDP forum and suggestions for projects had been requested, but so far none had been forthcoming. This money had been the source of the WPG's call for its use in supplementing the housing development in January 1998.

The WPG, Elese said, were still in evidence, and both Nongwe and Ngxobongwana had been seen in the area. He remarked that Prince Gobinca had distanced himself from Ngxobongwana despite the fact that they both sat in the Provincial Government as NP MPs. Elese agreed that there had been a gathering of political momentum in

the area which was further complicated by the division within the local ANC branches. He alleged that on a recent "hit-list" his name had appeared at the top, with; Mbulelo Victor Sam, who had distanced himself from Nongwe et al.; William Sidinana, the ANC chairperson in Section Four; Sidima, a taxi-driver; and Siyabulela Khobo, of Section Two also listed.

As regards further development, he reported that the Day-hospital extension had been progressing well. The netball and basket-ball pitches at the Nelson Mandela High School sports complex had been completed and there were funds available for further children's play-grounds and greening of the areas. Meanwhile, the plans for the CMC take-over of the CPA's function, and with it the iSLP's involvement, had been progressing and should be complete in 1999 (Elese; 18/10/1998) **[RD:** October 1998].

The following month roads were being tarred in Phase Three/One of Old Crossroads, though the building still appeared to have been halted in Phase Four. Bad flooding was evident in Boy's Town, as always after heavy rain had fallen, but the passages through the shacks, which had been filled with hard-core the year before, were draining better.

On the evening of the 3rd of November, an "Educare" creche belonging to Maureen Hamse on the edge of Unathi Village across the road from Boy's Town was burnt down. The large container had been erected on council ground with temporary permission, in late 1994. Hamse had been warned that she might have to move it in time, as a children's play-ground had been planned for the site. However, a play-ground had been built around the creche and tree saplings planted surrounding the area as had others in Old Crossroads earlier in the year. It had appeared as though a compromise had been reached. However, in a newspaper interview appearing the next day, Hamse accused people; "... involved in the continuing political crisis in the area". She admitted that she was a WPG member and had been involved in the sit-in at the council offices.

Later in the same article;

> Councillor Elese, said: 'Since the commission of inquiry was set up to look into the trouble in Crossroads in June, we have had no more violent incidents in this area, so this is shocking' (Cape Argus: Gophe; 04/11/1998).

Later at a meeting with Hamse, she maintained that she had been mis-quoted in the Cape Argus and that she had only been involved in the initial sit-in at the council offices, but had then withdrawn on ANC orders. She alledged that her creche had

been burnt down by relatives of Elese. She had not been to the police because she felt no one would be prepared to come forward and give the police a statement (Hamse; 10/11/1998). However, Hamse had admitted to being a WPG member to a Quaker Peace member and the rift between her and Elese, who she had supported in the LGE, had appeared to have grown deep and mistrustful since **[RD:** November 1998**]**.

18. END-OF-YEAR ROUND-UP IN OLD CROSSROADS:

By the 22nd of December, earth-moving had been continuing in Phase Three although the infrastructure had appeared to be complete. Building had stopped in Phase Four for the Christmas holidays but many foundations, some with bricks stacked beside these remained ready for completion. A temporary pre-fabricated structure had been placed on the site allocated to the Catholic Church in Phase Four. Father Curran, whose Church had been burnt-out on three occasions in Old Crossroads in past years, reported that the Catholic Church in Lower Crossroads was in the process of being up-graded so that the building of a Church in Old Crossroads would have to be deferred for at least two years.

Meanwhile in Lower Crossroads, besides a secondary school, already in use, and a primary school, due to open in the new year, a multi-purpose community/sports hall was well on its way to completion and large areas of infrastructure lay ready for houses to be built. An 'Olympic bid' multi-purpose sports hall near Vietnam had been completed but was still un-occupied apart from a security guard. The infrastructure of the site next to it, opposite Vietnam, looked ready for housing development

Reporting on the development in Old Crossroads, Elese said that after the builders' holiday Magnum Construction would be joining Francis in building the remaining houses in Phase Four, and that tenders would be going out for other contractors to speed-up the building of houses in Phase Three. He confirmed that there were plans for double-storey flats near the Lansdowne Road for young un-married people, and that private developers would be building their shops with flats above them in Phase Three, but that the land remained council owned. He also confirmed that an indoor multi-purpose sports/community hall had been planned for the same area. He said that the Day-hospital extension was well advanced and was due to be completed in April 1999, before its official opening as a twenty-four hour bedded unit in May 1999. He added that the Nelson Mandela High School sports complex was fully operational, but that the security situation in the school itself was causing concern. He reported that Old Crossroads had been quiet over the Christmas period but that he speculated that the end of 1998, and the start of 1999, might not be as peaceful (Elese; 29/12/1998).

The CTCCC Report, with its Findings and Recommendations had been released on the 10th December, including the bulk of written and verbal submissions given at the public hearings. The Findings had included a report that the WPG had since disbanded. The immediate effect of the Commission Hearings, and the release of its Report, had appeared to stabilise the situation in Old Crossroads. The Councillors had appeared to be approaching their duties with a renewed sense of purpose and commitment. Like the Goldstone Commission Hearings of 1993, it had had a salutary effect on the perpetrators, the councillors, the authorities and the NGO facilitators. On this occasion it had been a timely reminder that much still needed to be learned about living with democracy and the complexities that this can bring. Who is to effect this enlightenment hand-in-hand with the rehabilitation and transformation of civil society is not yet clear **[RD:** December 1998**]**.

POSTSCRIPT 1999/2000:

The housing development in Phases Three and Four had continued and gathered momentum during the year with families moving in as soon as the building and Council inspection had been completed, allowing the Councillors to hand over the keys and house deeds. Deadlines for the completion of these areas and the extended Day-hospital in Old Crossroads by mid-June 1999 had appeared to be on-line but the latter had been further delayed.

When interviewed in October 1999, Elese had reported that a total of one thousand four hundred houses had been built by the Council in Old Crossroads since 1996. Six hundred and four of these had been completed in Phase Four (Section One), and eight hundred and ten had been completed in Phase Three/One (Sections Two and Three). Phase Three/Two (Section Four) had been levelled and the infrastucture development was underway for the building of five hundred and forty-nine houses, the multi-purpose indoor and outdoor sports/community centre, the informal market with a cold storage unit, the business premises with two hundred flats to be built on top of them and the other flats on the Lansdowne Road, as had been planned by the Council. The completion of this was to be followed by the development of Boy's Town as Phase Five with five hundred houses to be built initially and followed by a further four hundred. By the end of the year the infrastructure had begun for the Sigcau Primary School that had been housed temporarily in "super shacks" surrounding its site in Phase Three/One and its building had begun in early 2000.

An air of peaceful settlement had descended on Old Crossroads as residents built shacks onto their "core" houses for their extended families, and in some cases fenced

off their properties and planted gardens. Spaza shops had sprung up, hens and even a flock of geese were free-ranging, and a small herd of bullocks were housed across the Klipfontein Road extension.

The forthcoming LGEs projected for November 2000 would be a politically testing time in Old Crossroads. It had remained to be seen whether the transformation of the CMC into the Mega/Uni-City format proposing to reduce the number of councillors would result in one councillor for the whole of Old Crossroads and Lower Crossroads as had been rumoured, which might lead to renewed controversy and conflict. The already increasing criminal activity involving burgalries and car-theft in the new urban areas could just as easily develop into renewed criminal youth gang exploitation by rival political contenders resulting in the intimidation and destabilisation of these areas **[RD:** December 1999**]**.

Since then the LGEs had taken place on the 5th December 2000, and Elese had again successfully contested Ward 36 of Old Crossroads/Nyanga East for the ANC. The Ward had been extended to include part of Nyanga East including the Black City informal-settlement, White City housing, some of the hostels and housing skirting the Eisleben Road. The voting in Ward 36 was recorded in a local newspaper as follows:

Depoutch Elese; ANC - 11,351
[Ludwhe; Independent - ± 4,000, not published]
Lungile Simon Halmans, UDM - 584
Njenjiwe Sylvia Ngozi, PAC - 295
Hazel Vuyiswa Mayoli, DA - 91
Andile Gilbert Gayisa, Azapo - 87
Themba Sizwe, IFP - 51
(City Vision; 14/12/2000).

Melford Gwayi had lost his ANC candidacy to Nqabisile William Sidinana who retained Ward 33 which includes half of Old Crossroads, Lower Crossroads and Mandalay. The results in this Ward were; Sidinana - 9,555; ACDP - 578; UDM - 538; IFP - 63; and Azapo - 62 (Ibid; 14/12/2000). Again the ANC Independent candidate's result was not published and it appeared that Themba Sizwe had stood for the IFP in both Wards.

Councillor Elese's report for the year had revealed that in total two thousand three hundred and forty-nine houses had been built in Old Crossroads since 1996/1997. The multi-purpose community centre and the business and informal market next to it

were due for completion in April 2001. The extended Day-Hospital was ready to open as a 24hr bedded unit once the Provincial Ministry of Health had made the funds available to run it. Two hundred and thirty-four flats had still to be erected in Phase Three/Two and the Phase Five infrastructure development for one thousand three hundred houses was due to begin by the end of February 2001 in Boy's Town. The clearance of this area had proved problematic prior to the LGEs as residents had been advised Sanco (The South African National Civic Organization) not to move until after the election as they would be on the voter's roll in that area. A compromise had been reached with some moving across the Klipfontein Road to the New Rest informal settlement and half of those remaining would be moved elsewhere after the elections to allow the infrastructure development to begin. However, this could prove problematic once more as there had been allegations that Sanco had been supported by ex-members of the WPG and other political parties. Twenty-four shacks had remained in Section Two of whom the famillies of thirteeen of these wanted housing, but Mrs. Mbeka and eleven others were still refusing to move so the potential for disruption had remained a threat.

The funding for all the remaining development had been secured in the past year with the CMC. It remained to be seen whether the new political dispensation of the Mega-city CMC would honur this commitment. As one of two hundred Councillors in the new dispensation, Elese would be eligible to serve on Council committees but no longer to chair any of these or serve on the Executive as the ANC had decided to withdraw from these positions. The local Councillors would return to an office in the Old Crossroads Administration building in the new year and be accessibile from there to their constituents, the developers and all interested parties (Elese; 17/12/2000).

6

THE SECURITY FORCES:

1986-1990:

1. THE YEARS BEFORE:

In her critique of South African policing during the late eighties, van der Spuy, illustrates the situation as it was during the mid- to late 1980s when she quotes Dippenaar;

> What Dippenaar captures, implicitly and unintentionally, is the very stuff of 'colonial' policing. For in the colonial context it is the police who wield the coercive power of the colonial state over large 'mobs of unruly' indigenous people. Such power is wielded not sporadically, but continuously. ... the central role of the police in the defence of the colonial status quo and the essentially 'military' character of this policing (van der Spuy, E., in Hansson & van Zyl Smit; (Eds.) **4.** 1990: 93).

There had been a change in perception by the NP Government during the period of 1986/1989, from its conviction of a "total onslaught" from an externally inspired communist threat, to one of a "revolutionary onslaught" as an internally based threat that could only be countered by low-intensity conflict. As mentioned in the previous chapter **[5.1: 95-96]**, the main purpose of this low intensity-conflict was to bring down the levels of popular resistance by the minimum use of "overt and state-aligned" force, while building and sustaining support for the government (Hansson, D. 1990: 43 & 44). To effect such policies of governance, hand in hand with maintaining levels of low intensity conflict had required a higher level of informed security force functioning, on an already prescribed budget. This had led to increased military conscription, the introduction of special constables and municipal police, and extended private security (CIIR; 1987). Intelligence gathering at all levels of the NMS became a major function, the information from which was to be used to design counter-revolutionary interventions. Interventions that could lead to;

> ... assassination, detention without trial, torture, banning, restriction, direct attacks on guerrilla forces outside the South African borders, and assistance to anti-Communist groups outside South Africa, as well as to anti-revolutionaries within the country, particularly vigilante groups (Theological Exchange Programme [TEP] 1987: in Ibid; **2.** 1990).

In company with the inception of the state's WHAM campaign, in an attempt to

improve the dubious image of the security forces, had come improved liaison between the "intelligence" and "security" sub-committees and the "communications" sub-committees of JMCs to develop "disinformation" campaigns to compromise the national liberation movement and interfere with their operations. TV propaganda, and the use of SADF personnel and resources to construct sports facilities and assist in medical and educational up-liftment in African townships had become the projected modus operandi. When openly repressive operations were to be launched, wherever possible, paramilitary state forces rather than security force units were deployed (Hansson; 1990: 50).

The SAP in Old Crossroads during the same period had been no exception. In tandem with the SADF it had maintained a militaristic control of law and order by force in support of the designated "Oilspot" strategy for its local authority which sustained by its co-option of the then squatter leadership of Johnson Ngxobongwana.

At some stage in 1986/1987, the office of Home Affairs had been moved from the Crossroads Administration office complex to across the N2 highway, to the area known as Airport Industria. This had been to make way for the housing of the SADF's Group 40 unit to bolster the security force presence in Old Crossroads, Nyanga and its environs. Group 40 was to remain there until its official closure on the 12th December 1997. Meanwhile, the residents had to walk a considerable extra distance, and for a long time had to cross the N2 highway at their peril sometimes with fatal consequences, in order to visit the office of Home Affairs. After long and arduous negotiations with the NP government authority, an expensive cage-enclosed (to prevent stone-throwing?) foot-bridge with long steep steps on both sides was finally constructed in 1993/1994.

Group 40's role had appeared to have been one of patrolling the area, monitoring events (not without criticism, allegations of misbehaviour and resentment from residents) without contributing to the improvement of conditions on the ground. Conditions that included deteriorating roads often caused by their own vehicles, particularly in the Crossroads Administration office compound and the lack of proper drainage for road systems that caused flooding regularly during the winter months.

By the end of December 1985, until mid-January 1986, the power struggle exploded in conflict in New Crossroads between the "witdoeke" and the "comrades" with the support of the security forces as described by Cole in **[4.2:** 31-33**]**.

More recently, at the TRC HRV KTC Hearing Steve Kahnovitz in his submission gave testimony concerning the Cape Town Supreme Court proceedings from,

September 1987 to June 1989, at which the "plaintiffs", the victims of the KTC "scorched earth" operation, had called thirty-four witnesses which included doctors, clerics, journalists and residents. Videos and photographs had supported the evidence of the journalists. Kahanovitz summarised some of their evidence as;

> 25.1.1. prior to the attacks on KTC ... 9 June, policemen were seen at meetings with witdoeke in Crossroads and Khayelitsha where the advance on KTC was discussed;
> 25.1.2. when the witdoeke gathered in their thousands ... on 9 June 1986 the riot police were present. ... . After first setting fire to tents and Zolani Centre which housed refugees they reached and started setting fire to KTC;
> 25.1.3 the police took no action to disperse the witdoeke or prevent them advancing to KTC. Instead the police advanced with or escorted the advancing witdoeke (... police in their evidence called this monitoring). When KTC residents attempted to resist the attack, the police used gun-fire and teargas to drive them off. The police in their armoured caspirs stood by while witdoeke advanced past them into KTC and started burning under their very noses (TRC HRV KTC Hearing: Kahnovitz, S., Submission; 10/06/1997: 10).

Kahnovitz recorded that the police had testified; that a "faction fight" between a "radical comrade group" and the more "conservative witdoeke" had resulted in the destruction of the camps; that the witdoeke had gathered on the 9th, 10th and 11th June, to "defend" their homes against attacks by the comrades; that "faction fighting" had broken out when "comrades had approached" and "threatened the witdoeke" which resulted in the burning of KTC; and that the police had been "unable to put a stop to [it]", all they could do was to "wait" till "the fighting spirit of the two factions had spent itself". It had been added that; "When the fighting between them occurred or seemed imminent they used tearsmoke [SAP euphemism for tear-gas] and gunfire to drive them apart so as to prevent loss of life (TRC HRV KTC Hearing: Ibid; 10/06/1997: 12).

According to Kahnovitz, Clifford Dikeni had given evidence to the Supreme Court; that he had heard a recording of "a witdoeke leader speaking over a SA Police mike and on that and in front of policeman who could speak Xhosa, that witdoeke leader told the witdoeke to proceed to KTC". He further testified that later in the afternoon, he had heard a policeman telling them over the police "mike"; "You have done your job, well done! Go home, go home" (TRC HRV KTC Hearing: Ibid; 10/06/1997: 15).

The Cape Times Editorial on the 11th June 1986, quoted;

> The Rev. John Frye: 'We saw police covering the witdoeke and firing on the defending shacks'.

> The Rev, John Freeth: 'It was clear that the Witdoeke were operating under police protection'.
> The Rev. David Cooke: 'Right in front of us there were three Casspirs. No attempt was made to stop the looting, burning and fighting. I saw a policeman shooting with a rifle into KTC defenders to prevent them from defending their property'.
> Father Desmond Curran, St. Gabriel's, Guguletu, and Mrs. Emma Huismans, Editor of Crisis News, said that police vans and a Casspir exhorted the vigilantes on their way to attack the Zolani Centre 'every step of the way' (The centre had been housing Crossroads refugees and was destroyed by fire in the attack) (Cape Times: Editorial; 11/06/1986).

In his submission to the same TRC HRV KTC Hearing Ulrich Schelhase (Town Clerk of Old Crossroads 1987-1990) was questioned about his role in relation to the Security Forces and the NMS. He agreed that he would have been consulted by their members including security branch members for guidance on the dynamics, as well as the personalities in the area that he administered in Old Crossroads.. He also agreed that this would have included identifying individuals as potential allies and informers to the security forces. He added that it had been important for him to know who the leaders in the community were so that he could do his job properly, and that this would include recommending them to the police and army for information on the security situation. He related how he had been;

> ... asked by the military personnel to serve on what they called a Social Economic and Welfare Committee as a substructure of the JMC system. ... mini-JMC and it was conducted from my office in Crossroads. I was chairman of that committee who had to deal with the Socio-economic matters relating to Crossroads (TRC HRV KTC Hearing: Schelhase Submission; 11/06/1997: 4).

Asked about to whom he had reported, he replied that this would have depended on the type of decisions, but that minutes had been kept of those meetings and the decisions taken would have been "processed" to the JMC, situated either at the Castle or in the Thomas Boydell building Questioned about Ngxobongwana's contact; " with the security forces, special branch, riot unit members such as Barnard, Dolf Odendaal as well as the South African Army, Western Province Command Group 40", he replied that he had not been present on these occasions but that he had been aware of their occurrence. He agreed to the suggestion that the attack on the satellite camps had been in the interests of the Development Board, and that in the process the security forces had wanted to rid the place of what they called comrades (TRC HRV KTC Hearing: Ibid; 11/06/1997: 3-6). Further questioned and his response;

> Dr. Ramashla: '... in fact the police, security forces and perhaps

> your department could have prevented these attacks?
> Mr. Schelhase: 'We did not go to much trouble to try and prevent it' (TRC HRV KTC Hearing; Ibid; 11/06/1997: 10).

Questioned on a document, WPGBS/22/72 (dated February 1986) with the stamp, "Secretariat of the State Council", Schelhase had replied that, in essence, it had said that;

> ... a military officer was of the opinion that the older people in Crossroads against the comrades enjoy support whether it happens in a covert manner. .. and that Mr de Jong must undertake to bring this to the attention of the Development Board so that they can investigate the possibilities of supporting the Fathers (TRC HRV KTC Hearing: Ibid; 11/06/1997: 11 & 12).

Schelhase's denial of knowledge of the term "Witdoeke" was then challenged as to whether he had been aware of the term, "Father" or "Fathers", to which he had replied to the affirmative but added that he had regarded it as "more like a military reference". He agreed that the "Fathers" were in fact the pro-Ngxobongwana group (TRC HRV KTC Hearing: Ibid; 11/06/1997: 12 & 13). During further questioning referring to Dolf Odendaal, he said he had only known him in a professional capacity as; "...a good policeman ... a very courageous and brave man", and of; "Mr. Flip du Toit. I have a very big respect for him Ma'am as a policeman. ... never carried a firearm and was very gentle with people" (TRC HRV KTC Hearing: Ibid; 11/06/1997: 15 & 16).

Drawn on the "Oilspot" theory, Schelhase referred to it as; "only one notion within the whole strategy" which he described as having been based on a work that had been published by an American Marine Colonel John J. McCuen. McCuen had made a study of revolutions and counter-revolutions all around the world from which he had set out theoretical guidelines for a State or a government to follow in handling revolutionary situations (TRC HRV KTC Hearing: Ibid; 11/06/1997: 10). Referring to a presentation by the military in 1986, he said;

> ... this presentation was then made within the McCuen context, with the strategical context of counter-revolution. ... the police had contributed on the safety and security level. I have contributed on the more economic, welfare, social level. The military did it on their levels, so it was sensible to the recipients, General Malan, and he supported it. ... glad that he can see there's some ... order in this whole approach to the counter-revolution in the Western Cape.
> ... Roelf Meyer was also impressed because he was at the time Chairman of the Security Council, and he was obviously in support of General Malan (TRC HRV KTC Hearing: Ibid; 11/06/1997: 28-30).

Schelhase had confirmed that Adrian Vlok, General Kat Liebenberg and probably General Constand Viljoen had been at this presentation. He had agreed that part of the McCuen strategy was not only counter-revolutionary but counter-mobilisation as well, and that the "attitude" conveyed by some of the McCuen theories in dealing with terrorists would be to track them down and eliminate them. He had further described three phases within the McCuen strategy as being the organisational phase, the terrorist phase, and the guerrilla phase which did not really exist in the Western Cape, but that there were; "... incidences of terrorism or people who were associated with terrorism. ... we were more focused on the organisation phase" (TRC HRV KTC Hearing: Ibid; 11/06/1997: 30 & 31).

In a preliminary interview with TRC investigators, Schelhase had spoken of the professional jealousy and friction between the SADF and the SAP at the time but had added that the former were "light years ahead in professionalism". He alleged that the police had undermined the "strategy" with their brutal behaviour. He conceded that he had been unpopular with the SAP who regarded him as a "liberal kaffir boetie". The army, he said had come in during 1987, to address "the social side of hearts and minds", and the police were "sour" about this so relations had not been good. He had referred to Brigadier Louis Rheede, who commanded Group 40 at Wingfield at the time, as having been the mastermind of the McCuen strategy's implementation in the Western Cape. Schelhase, himself, had been a presenter of the strategy's "scenario" for government departments "all over the place. Because I was educated, I was the administrative expert in McCuen strategy". He had described the mini-JMC in Old Crossroads as; "an all white show", with the police station commanders, the township superintendents, representatives from the CID; the communications department; the Bureau for Information; and Dave Steward, and that there had been agendas set and minutes taken at their meetings. He added that mini-JMCs had been allowed to develop their own strategy. He explained the "Oilspot" theory and its strategy as; "Oil covers the whole surface of the water, makes it stable". Using this metaphor for a township situation, the oil stands for those residents who are sympathetic to the government cause (not in the ideological sense but wanting law and order, schooling for their children, employment and housing, etc);

> I had to provide the oil. I had to tell the SADF who the oil was.
> Then the clandestine SB guys go in, make contact with these people, win them over, buy them. Then nursed them, used them as spies and informers. Measure the successes.
> That is what happened in Crossroads. Then use the community to eliminate the enemy, or to stabilise the country. The community then did the work of the SAP. Rewards.

> No terrorists or counter productive actions in Crossroads after that. That was the only time I could develop that area. There was stability between 1986 and 1990 in objective terms (TRC Interview; with Schelhase: Fullard; & Verwoerd; 13/02/1997).

In the TRC's final Report reference is made to "Contra-mobilisation" as having become;

> ... one of the key counter-revolutionary strategic principle[s] directed at organising and supporting 'moderate blacks' to oppose the revolutionary movements. It was always an extremely *covert* activity in which the hand of the state in fostering opposition and providing logistical, political and financial support to groupings who engaged in (at times violent) opposition to resistance organisations was concealed.
> Contramobilisation was clearly perceived as an integral part of Strategy 44, which was developed in the Total Strategy Branch of the SSC, and was formerly adopted by the SSC in December 1986 as the 'Nasionale Strategie teen die Revolusionere Oorlog teen die RSA".
> A specific theme related to South African implementation of the principles of contra-mobilisation can be found in the fostering of conflicts, either around the ethnic dimensions ..., or ideological differences (TRC Report Vol. 2. 7. 1998: 1 & 2).

Left with such a legacy, it is hardly surprising that the security forces, the African local authorities, and the squatter leadership in the person of the mayor of Crossroads, Johnson Ngxobongwana, had lacked crediblity and had been regarded with mounting anger and suspicion by the majority of residents in Old Crossroads during the last years of the nineteen eighties culminating in the conflict that has already been described in **[4.1., 4.2.**1: 31-37 & **5.**1: 94-96**]**.

2. FROM REPRESSION TO SERVICE:

1991-1995:

> We would be insistent that the police ought to be using normal international standards of policing. They should not only be impartial but be seen to be impartial. We really need a police force that enjoys the confidence of everybody" (Weekend Argus: Archbishop Tutu; 28/07/1990).

In a briefing paper for the CBM on the police, Nathan questions the police's ability to "contain the endemic violence in South Africa", and its ability to do so fairly and impartially. He remarks on the "widespread perception" that often the police "provoke or exacerbate conflict", and goes on to give examples of such findings. He

then cites the major problems of the police, as being their;

> 1) partisanship in the maintenance and defence of minority rule and apartheid in enforcing discriminatory opposition and in suppressing any opposition to it, and their racist attitudes;
> 2) lack of legitimacy among the majority of blacks;
> 3) lack of professionalism due to low educational standard;

Nathan continues in speaking of; "... a pervasive culture of violence, extra-legal activity and disregard of official regulations" and cites some of the reasons for this as being;

> 4) low salaries leading to high rates of resignation resulting in understaffing necessitating the deployment of army personnel and the growth of both white and black vigilante groups;
> 5) due to racially segregated police training the police are a fragmented force, and although 55% of the whole force are black, only a few of these have reached the rank of Captain (SA Barometer, 2 December 1990).
> 6) that training has been primarily orientated towards a para-military role rather than towards one of crime prevention.

The paper goes on to list a number of short and medium term changes regarding the police that President F.W. de Klerk was trying to introduce to improve the situation. Nathan relates that de Klerk was in the process of; "... easing restrictions on opposition politics, liberalising security policy and reclaiming civilian control of the state from the security establishment". Further that he had; "... taken steps to curb the excesses of the police and define a new role for them", and that soon after the Minister of Law and Order had announced that in future it would be illegal for police personnel, including reservists, to belong to any political party. As a result of the Pretoria Minute, efforts were to be made to bring together representatives of the SAP and ANC to attempt to avoid or reduce existing conflict. "Salary increases of up to 79% over and above the annual civil service increases" had been announced in June, and the previously unmanageable black municipal police was now under the control of the SAP. New training courses and examinations had been introduced by the Minister of Law and Order, and plans were underfoot to recruit up to ten thousand new members during 1991

As a closing observation;

> ... the values, practices and structures of the SAP are so deeply entrenched that limited reforms over a relatively short period of time cannot conceivably overcome the major problems. The high level of violence across the country makes it even more difficult for

> the police to move away from the heavy handed methods to which they are accustomed (Nathan, L., 07/09/1990: 1-4).

1991:

3. THE CALL FOR TRANSFORMATION:

In response to the perceived need for closer co-operation and in an attempt to promote and assist with transformation in the SAP, a group of NGOs spearheaded by the directors of the Centre for Inter-group Studies (CIS) [later the CCR], Umac and the Institute of Criminology at UCT initiated a concerned grouping which became known as the Joint Forum on Policing (JFP). Initially meetings and work-shops were organised bringing together members of these organisations with senior officials of the SAP to share concerns and aspirations for the re-shaping the police from a militaristic terrorist hunting government force to a more acceptable and legitimate crime-solving and crime prevention service to the public. Some of this mutual sharing had contributed to the security force requirements in the joint multi-party, multi-organisation and NP government structured Nation Peace Accord that had been signed on the 14th September.

Under the National Peace Accord, a police code of conduct was announced as a Mission statement of the SAP;

> We undertake, impartially and with respect for the norms of the law and society, to protect the interests of the country and everyone therein against any criminal violation, through efficient service rendered in an accountable manner (SA Barometer: Vol. 5, **19.** 27/09/1991).

Guidelines for lay-people were released under the heading "Your Rights and the Police under the Peace Accord", explaining;

> how the police must behave in communities (general rules);
> your rights and the police (laying a charge, as a victim, if raided by the police and if arrested);
> where you can go for help if you are treated badly by the police (JFP: Booklet; 19/09/1991).

Notable amongst the lengthy list of the first were the requirements that police must;

> use as *little force as possible* when they do their work;
> wear *name tags* on their shirts;
> *plainclothes policemen* must show you their *ID cards* when you ask them;
> police vehicles must have clear *numberplates as well as*

> *numbers painted on the sides;*
> tell people who are *arrested* their *legal rights;*

At the same time an official police "Search of Premises" form had been issued for the use of all police personnel when conducting a search of home or business premises. This form contained a paragraph (2), to be filled in and signed by the owner; "If in your opinion the search caused damages to any property on the premises, you are requested to list such damages hereunder". This was followed by; "Comments from the officer in command" to be signed by him or her, and handed to the house-owner/person present; "... without admission of liability" (Ibid; 19/09/1991: 1).

4. THE LEGACY CONTINUES:

From 1991 onwards, during the course of monitoring in Old Crossroads, the researcher had been asked by residents on many occasions to take "statements" from the victims of, or witnesses to, acts of violence or harassment from police personnel in the course of their duties. These SAP representatives came predominantly from specialist units such as the CID, the Murder and Robbery Squad, the Drug Unit, the Unrest and Violent Crime Unit, and particularly one that had been known, in turn, as the Riot Squad, the ISU, the ISD and currently as the POP (Public Order Policing).

In one notable case in 1991 the police had failed to secure the prosecution of a "kitskonstabel" (SAP special constable) who was alleged to have murdered a young woman in Unathi Village, despite the sister of the young woman having been an eye-witness to the shooting. On the 21st August 1991 at twenty minuets past nine in the evening Gladys Gaga had been washing dishes outside the house, according to her sister, when three youths moved stealthily toward the back of the house. While she and her brothers were watching, Alice Gaga saw one man come from the corner of the next door house, "We heard a shot and my sister fell down next to me on the front of the stoop outside our front door". Gladys died during an emergency operation in hospital. Later in her statement Alice says;

> I recognised the man who shot my sister as Tshawe, he was in his everyday clothes, his gun was not a big one. My neighbour knows him very well as they stay in the same area of the Transkei and they tell me his name is James Booi, a kitskonstabel from Boys Town.

She goes on to say that she reported the murder to the police the same night and the next day two policemen in plain clothes visited her, one white policeman (Coetzee) who assured her that he would arrest Booi, and a black policeman, "... and I was pleased but James Booi is still seen in the township" (Gaga, A. Statement given to

Black Sash: Greenwell;18/09/1991).

This case was to emerge later in 1992, after a photograph of James Booi as a member of the Riot Police/ISU [confirmed by a prominent Unathi Village Old Crossroads resident] had appeared in the press (Cape Times; 05/08/1992). A group of monitors from the JFP had met with the Attorney-General and his Deputy, on the 29th June, to enquire into this case and several others. It had transpired that the Gaga murder case (Nyanga 192/8/91 no. SH/C92/92) had been heard on the 4th June 1992, in the Wynberg Magistrate Court outside Cape Town. Apparently, Alice Gaga had proved an unsatisfactory witness, as a result of which James Booi had been acquitted. Booi had allegedly been implicated in several other killings in Old Crossroads during 1991 without criminal prosecution. Instead, he had been promoted to full-time employment with the Riot Police/ISU **[RD:** June-August 1992].

During the period 1986 to 1989, six thousand black Special Constables known as "kitskonstables" had been hastily and sparsely trained to be sent into African areas where resistance against the state was proving successful. The police force had been in a crisis of legitimacy with criticism of police behaviour coming from their own ranks for the first time with allegations surrounding death squads, and disclosures from black officers such as Gregory Rockman. The 1986, State of Emergency had allowed; "... the police much wider powers to detain and use force". It enabled them; "... to shoot and even to torture 'suspects' without prosecution". Already the Municipal policemen, known as "greenflies" had been recruited to provide policing on behalf of the town councils in the African townships. In October 1989, they had become a part of the SAP, although retaining their own distinctive green and khaki uniforms along with their shotguns and side-arms as a move to implement "black on black" policing.

In September 1986, the first training of Special Constables had taken place at Koeberg in the Cape Province. Security around the recruitment of these "instant" constables had been tight, and the SAP had targeted the unemployed and the politically conservative for recruitment. In Nyanga, for example, people had queued up at the Community Services offices for jobs as security guards, on the understanding of some that they could expect good salaries, but that they could not return home before their training. Recruits did not need any literacy or educational qualifications. Training had included; "... crime prevention, riot control, weapons safety and handling, legal aspects of arrest, searches, road blocks and the use of weapons, foot drill, and lectures in misconduct" over a period of six weeks. Recruits had reported afterwards on the abusive methods used to train them and the lack of fire-arm practice.

Kitskonstabels, who wore; "... one- or two-piece blue overalls, peak caps and blue, black or brown boots", were paid on a daily basis and their wages, paid in cash, ranged from two hundred and fifty rands to just over four hundred rands per month in March 1988 but with no pay slips. For this they had worked the normal SAP shifts, but received no benefits such as sick leave or annual leave, let alone insurance or compensation. If injured on duty, they had received their medical expenses, but the SAP could dismiss them without any notice and it was illegal for them to join a trade union or to go on strike (Institute of Criminology UCT; 1990: 3-13). Inevitably, there were countless accusations levelled against them alleging serious misuse of their powers both on and off duty, in the form of murder, random shootings, sexual abuse, and both widespread and systematic verbal abuse and intimidation, resulting from a lack of supervision and professional control, inadequate training and discipline, and their insufficient comprehension and respect for the law (Ibid; 1990: 15).

Meanwhile, in Old Crossroads, SADF buffels had been deployed between Unathi Village and Boy's Town, at the "buffer zone" between Unathi Village and Section Four, and patrols were coursing the perimeters of Unathi Village. The majority of houses on the outer edge of the village had been damaged by arson attacks and many of their occupants had fled in the conflict **[4.3.**1: 38-41**]**.

A joint mass meeting on Sunday the 25th August at the "buffer zone" for two o'clock in the afternoon had been changed to the morning to avoid people having to return from the meeting in the dark. A group of Black Sash monitors had arrived in the afternoon to find the "buffer zone" deserted but had heard from a resident in Section Three that the leaders and members of the Commission were at Nongwe's shack in Section Four and had escorted us there. Members of the Commission welcomed us and proceeded to tell us about the events of the morning. They reported that the meeting had been brought to an end after stone-throwing had led to reciprocal stone-throwing, and the situation had deteriorated without any action having been taken by the members of the security forces present. Simon Makana of the Commission related how he had approached the police and requested them to do something to stop the threatening situation after the stone-throwing, only to be asked; "What could we do?" He had then approached one of the SADF buffels [on duty there twenty-four hours] and requested their assistance but had found the driver of the buffel either drunk or drugged and equally unwilling to act. Finally, the police having allowed the situation to escalate had thrown "tear smoke" canisters into the crowd dispersing it. The Commissioners were disappointed and angry, and as a result of what they had witnessed were convinced that the police were implicated in the violence. As Makana said; "He had seen for himself that the security forces stand by and do nothing when it suits them" (ANC Peace Commission: Makana; 25/08/1991).

In an earlier newspaper report about the Commission, Commissioner Sindiswa Mfenyana had reported that;

> They will also be meeting the town secretary of Crossroads, Mr. Ricky Schelhase, to hear his views on the conflict and put some of the residents' allegations to him.
> Crossroads residents on both sides of the conflict had made serious allegations against the police and the SADF and their concerns needed to be seriously addressed (Cape Times: Rossouw; 02/08/1991).

Some of these allegations had included; the police's perceived collusion with Nongwe; the police's violence in search and seize operations; intimidation and harassment of residents by the police; and the lack of arrests and convictions of criminals being effected by the police in township and squatter areas. Concerning both the police and SADF there were allegations of persistent drunkenness on duty, and in the case of the SADF there were allegations of drug and alcohol dealing in particular amongst the youth and prostitution among the residents during their guard duties in Old Crossroads (ANC Peace Commission; 25/08/1991) **[RD:** August 1991**]**.

In a statement given by Joyce Ntombizwa Ndinisa [Elese] of house no. 2210 Unathi Village, she describes how, on the 17th November, a Sgt. S.G.C. Vermeulen (in plain clothes) and about fifteen policemen (all armed with rifles and revolvers), some in camouflage uniform and others in plain clothes, had kicked their front-door open and forced their way into the house. There had followed an unsuccessful search during which they "turned things upside down" (Ndinisa Elese, J., Statement given to Black Sash; Greenwell; 23/12/1991). The following day four men in balaclavas with machine guns had tried to gain entrance to the same house, broke a window and damaged the roof in the process. Mrs Ndinisa had then opened the front-door to the four men who had rolled up their balaclavas, they were in plain clothes and were obviously drunk. They had searched the premises roughly once more and on returning to the front room had informed her that they had found a point two-two pistol in the bathroom. They had then arrested her and two others and had taken them to the Gugulethu police station where they were held in police cells until the 20th November. She and a Mr. Jack Masana had been released but a Mr. S. Solomons was charged with "illegal possession of a firearm" and released on bail of two hundred rands (Ibid; Statement given to Black Sash: Greenwell; 23/12/1991). There was an allegation that this firearm had been planted by the police at the time. This had been the eleventh time that the police had raided house no. 2210. The reason being, in the opinion of the family, that the police had been trying to trap Depoutch Elese an ex-Mk

ANC operative. Elese had been organizing and politicizing the youth in Old Crossroads and had set up an alternative branch of the ANC in Unathi Village.

The police had visited Elese again, on the 26th November, at four o'clock in the morning. He recognised one black policeman in plain clothes, as P. Matunzi [previously there 18/11/1991] amongst approximately fifteen white policemen in camouflage uniforms who said they were responding to four telephone calls that had reported that there weapons hidden in this house. They were all carrying machine guns and were wearing bullet-proof waist-coats. They had found nothing. One of the white policemen had identified himself as, N.P. Greef, and as being under the command of Capt. Liebenberg. They had left saying that they would be returning. (Ibid; Statement given to Black Sash: Greenwell; 23/12/1991).

5. THE TAXI WAR:

Violence associated with the Taxi War had emerged in Khayelitsha during September with arson attacks on Greenpoint (OH and DM Sections, skirting Zola Budd Drive). Hundreds of shacks had been burnt and a couple of burnt out taxis by the roadside further towards Site C had signified the course of things to come. At a Press Conference, on the 13th September, Jan van Eyk (Democratic Party MP) and others related instances of police inaction during the attack and revealed that white policemen in balaclavas were alleged to have been involved in the attack (Press Conference at CWD Offices Khayelitsha: Greenwell; 13/10/1991).

At a further Press Conference on the 23rd October held at the Sosibenza Primary School that had been called by Sister Mosala of the Khayelitsha Shawco branch had revealed that eighty-seven refugees were squatting there having lost their homes and personal effects in the Greenpoint attack. A further attack had taken place the previous night in which three taxis had been burnt followed by six shacks. The SADF had arrested eleven men but residents were too afraid of reprisal attacks to come forward to provide evidence (Press Conference at Sosibenza Primary School: Greenwell; 23/10/1991).

Meanwhile, members of the JFP had been meeting with the Western Cape Regional Police Commissioner, Major General Nick Acker, to bring to his notice concerns about alleged police complicity in the violence in Khayelitsha and elsewhere in African township and squatter areas, as well as contraventions of the National Peace Accord that had been witnessed. During the same period, a joint "Peace Alliance"/JFP grouping had been supporting an initiative undertaken by the Mayor of Cape Town, Frank van der Velde, and Archbishop Desmond Tutu to publicly address

these issues, as a part of their attempt to find solutions to the taxi conflict. This had led to joint meetings with the two taxis organisations (Lagunya and Webta) involved, representatives of the ANC, the Western Province Council of Churches (WPCC), along with other concerned organisations **[RD:** October 1991**]**.

By November, the Taxi War had moved to the Nyanga Bus Terminus and had gained in intensity. On the 12th November, a group of monitors accompanied Helen Zille (Black Sash and a consultant to the Cape Town City Council) on a visit to the Nyanga Bus Terminus to witness the very tense situation. There were two burnt out Lagunya taxis on the KTC side of the terminus (where the Lagunya taxis were normally parked) with a small police presence between them and the assembled Webta taxis on the other side of the terminus. This visit had resulted in daily monitoring of the terminus by a couple of Black Sash monitors during the early mornings and most afternoons for the next month before Christmas, and again on request in February of the following year. The perception of the monitors had been throughout that the police presence, which fluctuated from heavy to suprisingly light, had appeared to be defending the assembled Webta taxis in facing the KTC direction whether Lagunya taxis were present or not. After the initial burning of their two taxis in the terminus Lagunya taxis had not parked in the terminus but residents and drivers were often gathered at the Shell petrol station on the KTC side. The SAP had appeared to alter their position and stance after monitors' report-backs to the CIS who were conducting mediation between the two parties and the police **[RD:** November/December 1991**]**.

1992:

6. GOLDSTONE COMMISSION ON THE TAXI WAR:

The taxi violence had continued with intermittent fatal shooting of taxi drivers, arson attacks and reprisal attacks in the environs of the Nyanga Bus Terminus, along the Lansdowne Road and in Khayelitsha. A notable criminal case had opened on the 9th of January, in the Athlone Magistrate Court in which, Mxolisi Petane (ex-ANC MK commander), Michael Kupiso (chairperson of the Lagunya) and a taxi-driver had been accused of the fatal shooting of a taxi-driver at the Nyanga terminus. This case was to open in the Cape Town Supreme Court on the 19th March. The case against Petane (sitting a Unisa examination at the time of the shooting) and Kupiso (alibi was also proven) had eventually been dismissed. It had appeared to be a fabricated charge from the outset **[RD:** January 1992**]**.

On the 20th February, the Taxi War had reached a climax when Webta drivers, whose taxis were being boycotted at the Nyanga terminus, left the terminus in convoy

escorted by the police as usual (on arrival in the mornings and on their departure in the early evenings) at about five thirty in the evening. They had left the terminus, some in their taxis and others on foot, via Terminus Road in the direction of the Eisleben Road. On reaching the squatter area of Black City they had started setting light to the shacks and the police had done nothing to prevent it. In statements given to monitors on behalf of LEAP, there were allegations of police involvement in the actual burning of some of the shacks. After repeated calls from the Mayor's Peace initiative, NGOs, religious bodies and even some sections of the press that the police should close the Nyanga Bus Terminus (buses had long since been collecting and dropping off passengers on the outskirts of Nyanga), the police had no alternative but to do so. A security force presence had remained at the Nyanga terminus during that period and Webta taxis were back in the terminus six days later **[RD:** February 1992].

A "Goldstone Commission of Enquiry into the Taxi War in the Western Cape" opened in Cape Town the following month. However, allegations of police partiality and complicity during the 1991/1992 Taxi War in Nyanga were not further investigated by the Goldstone Commission as had been recommended in their interim report. The possibility of exposing the underlying causes of the destabilisation in the township and squatter areas; the hidden agenda of "white" taxi-ownership (rumoured to be predominantly SAP and local authority/CPA); and the squatter/council client/patronage emerging at the time had been avoided for the convenience of the NP Government's political purpose **[RD:** March 1992].

7. OLD CROSSROADS POLICING:

Meanwhile, in Old Crossroads the fatal shooting of Buntubake Ndemane outside a joint council and community meeting at the Topcor Training Centre Hall, on the 13th May, had led to serious questioning of the local police's handling of the case. After the shooting, Depoutch Elese had escaped through a window of the hall and gone to the local Unathi Village satellite police station to report the incident. The following morning he had made a statement at the Nyanga police station and had then accompanied the two CID investigating officers, Detective Sergeants Todd and P. J. van Zyl (case no. 90/51992) to assist them with their investigations and had identified the suspects; Elliot Nkanti, Simphiwe Roreus Mnyameni (body-guards employed by the Crossroads Town Council) and Sprisi Nelson de Wet Poni (a Crossroads Councillor) and had escorted the detectives to their respective homes. As a result, de Wet Poni had been arrested and three guns had been found (two 9mm pistols and a pump gun) plus a box of 9mm bullets and a couple of pump gun bullets. Nkanti had also been arrested and his 9mm. shotgun was found to be unlicensed (Mnyameni was

arrested later). Elese was dropped off at his home at 14h15 (Elese; Statement given to Greenwell; 14/05/1992). It had emerged later that the accused had been released on bail of five hundred rands each, on the 15th May, at a special magisterial sitting at 21h00. The case no. 16/837/92 had then appeared in the Mitchells Plain Magistrate court on the 18th May, only to be remanded and the bail conditions extended. The ensuing intimidation by councillors and council employees of residents in Unathi Village and Elese's aunt Joyce Ndinisa, in particular, is documented in statements and has been elaborated on in **[5.6**: 102-103**]**, as has the successful civil case brought by Mrs Buntubake Ndemane against the Crossroads Administration in **[5.**11: 110-111 & 114**]**.

The researcher decided to follow the policing of the case further having arrived on the 14th May at 14h45 at the home of Depoutch Elese (house no. 2210 Unathi Village) to find a blue riot police combi van (CVB 423B) parked outside and Elese being interviewed by riot police/ISU personnel (white and black policemen and two white policewomen) none of whom had name tags that the researcher could see. On enquiry, the researcher had been informed by a white policeman that; "... they were doing a routine check and that there had been no complaint or reason to search. They did not leave a form (peace accord) and said it was not necessary" (Statement; Greenwell, A., 14/05/1992). The attitude of these police representatives had been arrogant, unprofessional and infantile (sniggering and facial expressions in the background). The question then arose as to whether they had been sent in to search and harass by the Nyanga police or by an outside source. At that period in time, the Riot Police/ISU could be deployed at whim without the knowledge or permission of the local station commander.

The researcher wrote a full report of the period between the 13th to the 18th May, and forwarded it to Brigadier Kellerman (Unrest and Violent Crimes Investigation Unit), Major van Brakel, and Detective Sergeants Todd and van Zyl, covering the incidents that included; Elese's alerting of the police after the shooting; his assistance to the CID investigators; his statement given to the researcher; her own encounter with the riot police/ISU at Elese's home; and the ensuing intimidation of residents by councillors and council employees following the release on bail of the three accused. This intimidation had resulted in Elese having to be taken out of the area after police had failed to supply protection as requested. The Nyanga police had further failed to provide protection for Elese during an examination at the Nelson Mandela High School on the 18th May, as had been agreed **[4.4.**3: 71-72 & **5.6**: 102**]**. Arising out of these events, the researcher had in essence questioned the apparent harassment Elese by the ISU only half an hour after he had returned from assisting the CID, having done his duty as a responsible citizen. She had questioned, whether the CID had

anything to do with this visit; why had the ISU been without their name tags; why had they not left the duly signed official search form; why had the accused been allowed by the police to be released on bail knowing that there had been threats to the community; what steps had been taken to monitor their subsequent behaviour; and what constitutes "police protection"; and finally, which telephone numbers should be used in emergencies and at all hours as the numbers monitors had been supplied with were either out of date or unserviced (Black Sash Monitoring Unit: Greenwell; 20/05/1992).

On the advice of Umac, copies of this report and its queries were faxed to; Major General Acker, the JFP, Jan van Eyk (MP), Vincent Diba (ANC), Graham Hugo (RDRC) and a copy retained by Umac, on the 20th May.

On the 22nd of May the researcher in the company of David Mkhize (Umac/QPC fieldworker) and Lu Harding (Black Sash) had witnessed a passing council van at the Elese Unathi Village home which Joyce Ndinisa Elese reported had passed previously with guns pointed at the house. This report was also forwarded by Umac. On the 25th May, a fax was forwarded to Mr. Graham Hugo by Major van Brakel in response to the researcher's communication in which he said; "There was no offence committed and this office will not be taking any further steps" but requested "Mrs Ndesi" [Ndinisa presumably] to come forward and submit a statement to substantiate the allegation that guns had been pointed at her house, and that Mr Elles [Elese] should contact his office personally if he believed his life to be in danger. The researcher had responded on the 29th May, and subsequently provided a statement from Mrs Ndinisa. Various communications with different departments of the SAP had followed without any satisfactory explanations, which were further challenged by the researcher, and finally there was no response from letters written on the 3rd February 1993, to Brigadier B.J. du Plessis (HQ Pretoria), Brigadier van Rensburg (Office of the Regional Commissioner) and Lieutenant Colonel du Toit (Office of the Regional Chief Crime Combatting and Investigation) who had previously responded **[RD:** May-July 1992**]**.

On the 29th June, three members of the JFP visited the Attorney-General Mr. Frank Khan in his office to introduce the JFP as a member of the Regional Dispute Resolution Committee of the Western Cape, and bring to his notice some of the forum's concerns surrounding the granting of bail in such as the above case, and the intimidation of witnesses that had followed the Councillor/Council workers' release on bail. The lack of witness protection experienced in the above case by Elese had also been discussed. Several other cases had been queried with the Attorney-General including the Alice Gaga/James Booi case which resulted in the information on its

outcome reflected in [6.4: 149-150]. The researcher left her file on the Buntubakhe Ndemane case including the monitoring reports, the correspondence with the SAP and the various statements that she and other monitors had taken (Greenwell; 29/06/1993). This had led to further co-operation with the Attorney-General's office in arranging visits with the state witness Elese, and the police investigating officer in securing further statements alleging intimidation. Early in January 1993, the three accused in the case were found guilty of firing their revolvers during the council/community meeting at the Topcor Centre Hall when Ndemane was shot and killed. They each received an "admission of guilt" fine of one hundred and fifty rands. The murder charge against Soresi de Wet Poni was heard in the Cape Town Supreme Court from the 13th to 22nd April 1993. In a newspaper report appearing on the 21st April 1993, it noted that Mr. Justice Rose-Innes said;

> ... some of the State evidence was weakly presented.
> ... the gun issued to Mr. De Wet by the town council was not before the court, there was no sketch plan of the hall and no measurements had been taken of the area.
> The policeman who took some of the statements was unavailable and no one knew who the translator was (Cape Argus; 21/04/1993).

The only state witnesses had been Elese, who had not had a clear view of the actual shooting, and Edwin Diamond who was unknown to the community and whose evidence had proved confused. De Wet Poni was acquitted, and the Judge had rebuked the police for their incompetent preparation and presentation of the case. A civil case in 1996 was to refute this finding [5.11: 114-115] and found against the Crossroads Local Authority.

On the 18th July members of the SADF had arrived at Elese's home to arrest him on an accusation of assault. Two O/Kpls, Platjies (allegedly drunk or drugged) and Tromp (who had insulted the ANC and Nelson Mandela) had attempted to arrest him on an allegation of assault made by Kingsley Nyangweni (Unathi Village). On the 6th August, Sergent Philip Sibeko of the Nyanga police had arrested Elese on a charge of assault laid by Thembelane Ngozi (Unathi Village). No further action was taken on both cases (Elese; Statements given to Greenwell; 07/08/1992).

Also in July, criticism of the Nyanga police had surfaced in the press in an interview with David Mkhize, spokesperson for the Nyanga Civic Association, according to whom;

> '... members of the police force approached squatter committees in Nyanga to set up "home guards" to assist police.

> He alleged that the residents were offered police vans and sjamboks if they agreed.
> We are very suspicious of the recruitment drive. We think the police are trying to organise a new group of vigilantes to commit violence in our community.
> 'Why didn't the police approach the civic with such a propsal? ... they could have at least worked through the Regional Dispute Resolution Committee that was set up after the National Peace Accord.'.
> Police spokesperson Major Gys Boonzaaier said Nyanga police were attempting to recruit 'more reservists to establish neighbourhood watches. ... they would receive full training and ... night be in a position to drive a police van and carry a firearm while on duty as a reservist (South: Wilson; 04-08/07/1992).

The allegation was that this recruitment was not being conducted in areas known to be ANC strong-holds but that the police were trying to "mobilise" the people for the National Party in preparation for the forthcoming election (Ibid; 04-08/07/1992).

1993:

8. POLICING TRANSFORMATION?

At a JFP meeting in January, a Senior Lecturer of the UCT Institute of Criminology had reported that;

> The police have initiated their own transformation process, bringing power to the regional level, ... The main emphasis is on police/community relations. All police districts have been instructed to initiate monthly police/community meetings to bring together the greatest possible diversity of constituents within each station area. This process is steered by the police (JFP Meeting: Scharf, W;12/01/1993).

Scharf had gone on to say that Mannenberg (a coloured township) had resisted this and were "demanding equal participation" in such meetings. He further cautioned that; "The possibility of the police acting in a divide and rule way is also very real. The Police Board receives the minutes of all these meetings". He reminded the meeting that the Police Board was a Peace Accord structure composed of eleven generals and eleven civilians and that seven or eight of them were sympathetic towards the ANC. Two Board members, Elrena van der Spuy and Clifford Shearing had been reporting back to the JFP (Ibid; 12/01/1993).

On the 28th January, NIM was launched as an over-arching body of independent impartial monitors from a wide range of NGOs to co-ordinate effort in information gathering; the dissemination of information; and the training and deployment of monitors for political events, rallies and meetings in the run-up to and over the period of the 1994 General Election. The action or inaction of the Security Forces was still to be closely scrutinized **[RD:** January 1993**]**.

During February efforts had continued to bring witnesses together with the Nyanga police to make statements regarding the allegations of intimidation by Crossroads councillors/council workers after the murder of Ndemane on the 14th May 1992. It had signalled the start of a slight working relationship between monitors and the police in Nyanga/Old Crossroads. A relationship that was to develop during 1993, but not without criticism of their insensitivity in handling potential witnesses, their continuing "attitude" of oppressive often abusive behaviour, and their inept investigation **[RD:** February 1993**]** .

The violence that erupted in Old Crossroads in early March has been documented in **[4.3.**4: 44-47, **4.4.**4: 73-76, & **5.** 8 & 9: 104-107**]**. The statements supplied to monitors had contained allegations in some, cases of SAP inaction in others of actual involvement. All these statements had been submitted to the Goldstone Commission on the understanding that they would be forwarded to the Police's own Investigation department for their further investigation. By the end of 1998, there had been no report-back of any action having been taken against any of the allegations of security force involvement during the period covered by the Commission.

A Nyanga SAP/community meeting was held on the 13th March, with the Station Commander, Lieut. Hubbard present accompanied by Major Miller, and a SAP interpreter/scribe. The meeting was chaired by Tyalimpi (ANC, Unathi Village) who also served as an interpreter/scribe for the community. Members of the community had expessed their opposition to the "removals" of residents from Sections Two and Three of Old Crossroads to Lower Crossroads being effected by Nongwe. Community demands had been presented to the SAP and the Crossroads Administration at a march on the 11th March **[5.8**: 105**]**.

ISU Lieuts. Nagel and Lucas, had requested members of the community to come forward and give statements and assured them of their protection, following a Public Relations talk from Major Miller on the change in attitude of the SAP in the New South Africa. The researcher had assured the community that Black Sash monitors would assist them with statements if they agreed to this request (NIM: Greenwell; 13/03/1993). At a follow-up meeting on the 16th March, there had been a report-back

from Lieut.. Hubbard;

1. that Major van Brakel had said that the cases were sub-judice so that he could not report on them;
2. that patrols had been increased so that there were two vehicles for twenty men at the Unathi satellite police station in addition to the existing one, and the three for twenty men at the Nyanga police station;

In addition there was one SADF patrol and more would be requested. A plan was submitted for removals from Section Two of Old Crossroads (NIM: Harding; 16/03/1993).

After the fatal shooting of Joyce Ndinisa, Timothy Soga and Simon Pauli, on the 19th March **[4.3.4**: 45 & **4.4.4**: 74-75], members of the Nyanga police, on patrol in the area, had been able to arrest one suspect and retrieve his uzi machine-gun. The subsequent investigations carried out by Sgt. Cornellissen (Unrest and Violent Crimes Unit) were efficient and kindly towards the grieving Elese family. The case when it came to the Supreme Court had been successful in finding Mandla Maduna guilty and he was sentenced to an effective thirty years imprisonment. Maduna was to be refused Amnesty from the TRC in 1998 **[RD:** March 1993**]**.

9. ANGRY CAPE TOWN - SAP OVER-REACTS:

Meanwhile, in Cape Town monitors had been brought smartly down-to-earth both metaphorically and physically by the police during the "Day of Mass Action" on the 14th April. Police had fired over their heads during a hastily and ill-organised ANC march in mourning the death of the ANC MK leader Chris Hani. The march had been reaching the Grand Parade when looting and hooliganism was alleged to have taken place. A police member had allegedly panicked and started shooting, and others followed firing buckshot and rubber bullets resulting in the death of one person and severe injury to several others. The intervention by Archbishop Tutu and other churchmen walking down from St. George's Anglican Cathedral to join the crowds at the Grand Parade had helped to calm an ugly situation. By linking hands, the Church representatives, marshals and monitors eventually persuaded the crowd to disperse peacefully (NIM: Greenwell; 14/03/1993) **[RD:** March 1993**]**.

10. SECURITY FORCE SUPPORT FOR SQUATTER LEADERSHIP:

In 1993, the reality of squatter-leadership/council/vigilante client/patronage supported by the security forces had once more been exposed when Nongwe's body-guard/"Big Eight" gang, had allegedly set light to thirty squatter homes in Section Two and

Three, on the 15th April, in the presence of members of the police **[4.3.4: 45-46]** (NIM; Rose-Christie; & Mkhize; 15/04/1993). Subsequently, twenty-three statements were submitted to the Goldstone Commission on Crossroads witness to allegations implicating the security forces **[RD:** April 1993**]**.

Amongst them were two statements concerning the abduction of a fourteen year old boy, Siyabulela Khobo, the son of an ANC activist living in Section Two of Old Crossroads. The case had involved a Big Eight/body-guard of Jeffrey Nongwe, Victor Sam, **[4.3.4**: 46**]**. Khobo alleged that when the police, identified as white men and one white woman in camouflage unigorms [ISU] arrived at Nongwe's home, they had asked him; "... where the weapons are hidden in Buntubakhe?" He had replied giving them an indescriminate number (no. 1526), and was then asked; "... what is happening in no. 2151?" To which he replied that he did not know. When the police asked him if he had seen the policemen who got shot he said that he had not. He was then threatened by one of the Nongwe old men. A member of the ISU;

> ... a tall man with light hair on his chest and a brown moustache showed me the electric pole and signed with his hand cutting his throat which was then translated to me that if they did not find the weapons at the house I would be hung

The ISU members had then left and the boy was repeatedly beaten before the local uniformed police arrived to take him to the Unathi/Buntubakhe Topcor satellite police station where he was interviewed by the CID without his parents present (Khobo; Statement; given to NIM; Greenwell; & Trauma Centre; Winslow; 24/05/1993). Various houses in Unathi Village had been raided by the police as a result but no weapons were found **[RD:** May 1993**]**.

A case brought by Khobo against Nongwe, Victor Sam, Sicelo Loleka and Semphiwe Booi was heard in Wynberg Magistrate Court, on the 12th and 13th October, with Khobo having to give his evidence in the dock a short distance from the accused. By lunch-time the second day the magistrate, Mr. A.P. Kotze, had dismissed the case virtually congratulating Nongwe on effecting a "citizens arrest". The ISU officer had failed to give evidence for the prosecution as expected (Greenwell; 12-13/10/1993).

On the 18th June, at an emergency meeting of the RDRC at Belville called to look into the situation in Old Crossroads, the SAP's submission admitted that there had been very few arrests due to a lack of trust in the SAP, and that there had been problems with cnsultation arising from the police's misperception of the local leadership. This meeting had led to the institution of a "Public Enquiry into the Violence and Intimidation in Old Crossroads" under the auspices of Judge Richard

Goldstone [**RD:** June 1993].

11. FIRST ATTEMPTS AT COMMUNITY-POLICING:

A joint Security Forces/Unathi Village and Boy's Town Community meeting facilitated by the LPC was held on the 1st July, at the Crossroads Administration offices, to discuss security measures in the area. It was agreed that SADF watch-towers would be placed at the "buffer zone" between the Unathi Village houses and Section Four, Boy's Town, and what remained of Section Two, and that they would help to patrol those areas. There had been complaints of SADF behaviour the week-end before and a request for statements to be taken (NIM: Greenwell; 01/07/1993). Eight Statements were collected two days later and these were forwarded to the Goldstone Commission. One incident referred to a tear-gas canister that had allegedly been thrown from a SADF buffel into Boy's Town, and the other concerned people who had allegedly been injured by police on their way back from a rally on the 19th June. In a further incident, Selina Dasi's son had been picked-up by the Unathi/Buntubakhe police and taken to the satellite station where he was accused of pointing a gun (in reality a bottle of soda). The three policemen concerned had allegedly been drunk. The charge against Dasi had been withdrawn the following day.

A follow-up joint Security Force/Student representative and community meeting facilitated by the LPC took place on the 28th July. It had resulted in agreement on joint SAP/Student monitors to patrol on foot outside the schools. Concerns had been raised about the continued use of the Crossroads Home Affairs offices by SADF's Group 40 necessitating the need for residents of all ages to cross the N2 Highway to the Airport Industria offices and emphasizing the need to build a footbridge across the highway. Ojections had been expressed to the new police station nearing completion at Lower Crossroads instead of a clinic or a primary school as the community there had requested (NIM: Greenwell; 28/07/1993) [**RD:** July 1993].

These joint SAP/Community meetings had been repeated once a fortnight in the following months with varying community representation and varying success. Problems had emerged when the SAP (Sgts. Grobellar and Carolus from the Unathi satellite police station), without prior consultation with the constituency, had invited Nongwe, Section Four representatives and PAC members from Unathi Village of the opposing faction in the recent violent conflict.

However, these meetings had formed the early foundation of community/policing transformation in Nyanga, as well as Old Crossroads, through the facilitation of the

LPC. The project had evolved and grown under the auspices of Malibongwe Sophangisa who had become chairperson of the LPC in 1993, and had nurtured the peace accord office's transition to privatisation as "Eluxolweni" in 1994.

As a result of the questions raised at the Goldstone Commission Hearings concerning the lack of arrests and convictions in connection with the violence in Old Crossroads, a group of monitors from NIM were asked to attend a meeting, on the 5th August, with Col. Knipe and Maj. Perry (Unrest and Violent Crimes Unit), to be briefed on their progress with cases in the Old Crossroads area. At this meeting a request had been made for assistance with some cases and NIM, in turn, had passed over ten statements pertaining to the arson attacks and violence on the 15th April, in which police inaction or actual involvement had been alleged. These statements had previously been submitted to the Goldsone Commission (NIM: Greenwell; 05/08/1993). After this meeting NIM had debated on the viability of giving the SAP such assistance and had agreed that it should only happen if the police reciprocated with adequate feed-back on their own progress with cases.

On the 21st September, Depoutch Elese, Harrison "Rasta" Mogamile and Simphiwe Tsolo were arrested by the ISD (formerly the ISU) and accused of the murder of Vuyisele Tyibelo (house no, 2046 Unathi Village) and the injuring of two others, Victor Dinsi and Mutuzele on the 29th August **[4.4.4: 75]**. Two days later Simon Mqulwana was also shot and injured, and soon after had turned state-witness against the three accused of murder. Tsolo, a known criminal had been shot by the police in an ambush but the police had failed to inform the magistrate of his death until a warrant for his arrest had been issued on his failure to appear at one of the many remanded hearings. The case was dismissed in the Supreme Court on the 17th August 1994, after the death of the only state-witness and the police having established no further evidence. The researcher had not been alone in suspecting that the charge brought against Elese had been fabricated by the police. It could have consituted the ultimate in the harassment that had continued since his appearance, as a young MK ANC activist infiltrated into Old Crossroads. At the next NIM meeting with Col. Knipe and Maj. Perry, on the 28th September, Knipe had made no secret of his delight at Elese's arrest and his determination to nail him once and for all (NIM: Greenwell; 28/09/1993). It was apparent that the policy of removing "comrades" from Old Crossroads had still been in operation in 1993 despite the changing political dispensation and the supposed transformation in policing **[RD:** September 1993**]**.

Early in October, Lieut. Theron took over from Lieut. Hubbard as Station Commander at Nyanga police station. He had introduced himself to the researcher at a community/security force meeting at the Topcor Training Centre, on the 6th October.

He described himself as an ex-Riot/ISU policeman, well aware of their modus operandi and disapproving of it. He said he was looking forward to being a station commander and "serving the community". Visiting him in his office afterwards, he reported that the ISD had now to report their presence to the station commander before carrying out any operation within the station's policing boundaries and had to report-back before leaving to the station commander. He had also reported that he was having the station personnel up-dated on the Peace Accord and re-trained in an attempt to promote a change in attitude and behaviour for community policing (Greenwell; 06/10/1993).

Theron's apparently well-meaning zeal and aspirations were to prove limited and had eventually proved seriously problematic. In contrast his predecessor Lieut. Hubbard had kept a low-profile and had attempted to build bridges with the community although often compromised by the behaviour of the ISD and other external units of the SAP operating within his station's boundaries without his permission or knowledge **[RD:** October 1993**]**. In retrospect, the political appointment of Theron, as an ex-ISU operative, had probably become necessary in order to facilitate the new Policing Regulations and Peace Accord requirements more strategically in the new dispensation. Hubbard had remained at the station in order to orient Theron but eventually had requested a transfer because of differences (Hubbard; 02/11/1999).

During November, the researcher accompanied by Sgt. Cornellissen, had attempted to assemble witnesses from the Vietnam informal-settlement on the outskirts of Old Crossroads, some of whom had given monitors statements concerning the arson attacks and a killing, on the 15th April, in Sections Two and Three. Their statements had to be taken again by police investigators to their requirements (Greenwell; 03/11/1993). It was to prove a protracted process of achieving the necessary trust among the witnesses, of securing the statements and in four cases re-statements when the SAP investigators had proved inept. At a later date arrangements had to be made for the same witnesses to attend an ID parade at the Bellville South Police Station.

Also early in November, statements taken by monitors, concerning the behaviour of members of the ISU in 1993, in Old Crossroads, were delivered to Lieut. Hubbard at the request of Lieut. Theron for further investigation [NIM statements delivered to the Goldstone Commission] (Greenwell; 04/11/1993). On the 19th November, the researcher at his request had accompanied Capt. Lowe and a SAP interpreter to visit Nongwe in Section Four of Old Crossroads in connection with the alleged shooting of Howard Zoya by a member of the ISU during a Toyi-Toyi on the 31st May;

> A Toyi-Toyi was coming to burn our houses and shots were coming from the police.
> 6. when I was shot through the elbow and a man standing behind me called Lindile, also from Section 4, was shot dead.
> 7. I recognised the policeman who shot me as Capt. Engels wearing camouflage uniform. He shot with a R5 rifle. Engels picked up the man they had killed but did not attend to me. Mr Nongwe reported this to the police at Nyanga who then came to this house (Zoya, H. Statement given to NIM: Greenwell; 23/07/1993).

The researcher had been requested by Lowe to telephone Nongwe to request an appointment with Zoya but a further appointment had to be made as Nongwe had not found Zoya (Greenwell; 19/11/1993). Why Lowe had found it necessary to request the assistance of the researcher in this matter, when Nongwe was well known to all the units of the police in the area, is hard to surmise. Perhaps it had been an attempt to prove that some action was being taken over the statements passed both to the Goldstone Commission and to Lieut. Theron, and to demonstrate a new approach to community policing **[RD:** November 1993].

The murder case of Joyce Ndinisa Elese, Sicelo Pauli and Timothy Soga had begun in the Cape Town Supreme Court, on the 22nd of November, and proceeded until the 8th of December. Mandla Maduna was found guilty of murder on three counts for which he was sentenced to twenty-five years on each count; on two counts of grievous bodily harm he was sentenced to twenty-years; on one count for the possession of an un-licensed fire-arm he was sentenced to two years; and on one count of being in possession of unlicensed ammunition he was sentenced to one year, amounting to a total of ninety-eight years imprisonment of which thirty-five years had to be served before there would be any chance of parole. According to a press report;

> The state's case rested on the evidence of two policemen from the Maitland ISU who apprehended Maduna near the scene of the shooting, Mr. Tini Ellis [Elese] and Ayanda Ndinisa's accounts of the shooting, and ballistic evidence. Maduna was seen carrying a weapon and walking with a group of toyi-toying men. When the policemen followed and stopped their vehicle near the group, the men ran. The policemen saw Maduna throwing away his weapon as he ran, apprehended him and took him to the weapon where he was arrested. The machine-gun was warm and had clearly been recently used. Only after Maduna was arrested for possession of an illegal firearm did the policemen hear a radio announcement that people had been shot. The Judge accepted ... . He also accepted ballistic

> evidence [that] the unlicensed machine-gun that led to Maduna's arrest was used in the shooting (South: Wilson; 10/12/1993).

This had been a success story for the SAP and for the chief investigator, Sgt. Cornellissen, in particular. A story that was to be reflected in the next edition of the Cape Town weekly newspaper South that highligted an encouraging step-forward in community policing (South: Wilson; 17/12/1993).

12. SAP CRITICIZED BY GOLDSTONE COMMISSION:

The Committee had presented its Report to the Goldstone Commission on the 22nd October, and released it to the public on the1st of December. In its "Findings" it pointed to "Police conduct and lack of effective law enforcement" in Old Crossroads as having been affected by squatter-leadership who had "imposed their own laws and enforced these in their own areas" which were;

> not efficiently policed and the impression was that the police saw them as no-go areas or were not interested in protecting people against common law crime. ... were seen as enforcers of statutory laws. ... inhabitants were at the mercy of squatter leaders and criminal elements.
> The police were not seen as neutral. ...confirmed in the minds of many that collaboration existed between the police and Mr. Ngxobongwana's group to install the Council system in Crossroads. ... not changed during Mr. Nongwe's tenure.
> Various witnesses at the inquiry alleged that members of the police participated in the violence of 1993. ... 43 statements were handed in to the committee of which 21 contained complaints about general misconduct by policemen and 22 allegations of complicity in criminal conduct ranging from murder, attempted murder and assault to abduction and arson.
> These are serious allegations which should be brought to justice without delay. The statements were therefore immediately referred to the Attorney-General and the Police Reporting Officer (an independent legal practitioner) for investigation and such further steps, such as prosecution, as may be indicated.
> A report on the outcome of the investigation will be rendered in due course (Goldstone Commission on Crossroads Report; 1993: 26-27).

The Report "Findings" continued by stating that; "... the police constituted a cause of the violence because of the strong belief within the community that under the pretence of upholding the peace the police actually fuelled the violence". They found that this perception had arisen from the fact that homes had been burnt down and residents had been shot at by the security forces including the police which had led to reinforced

mistrust that had existed since; "...the days of grand apartheid". Further that the historical reputation of inefficiency and unreliability had not be "adequately addressed" to improve policing effectiveness. The Report further questioned the arrest of Nongwe for the alleged abduction of a fourteen year old and his release on bail
which had; "... raised the level of fear and the culture of intimidation". "... Nongwe, a symbol of violence in Crossroads, ought to have been tried forthwith". It conceded that; "... law enforcement was notoriously difficult in densely populated areas", especially because "52 men out of a compliment of 80 are themselves under threat because they live amongst the community".(Ibid; 1993: 28-30). Later in the Report, attention was drawn to the fact that the lack of trust in the police in the community of Old Crossroads had led to a reluctance to come forward with "vital information" or as "witnesses" and failed to report cases of "violence and crime" to the police, but "... engaged in attacks and counter-attacks and this type of situation fed on itself and created a cycle of violence" (Ibid; 1993: 32).

Finally, in the Commission's "Recommendations", concern was expressed that the police had probably relied too much on its own intelligence-gathering while ignoring other possible sources so that a "one-sided" view of the situation had resulted. It was considered "imperative that the SAP should evidence a change in outlook" and treat "squatters" with a similar attitude as they would "... if they had been born and bred at Bishopcourt or Welgemoed", as promoted by the new SAP community/policing policies. Policies which were perceived to be limping severely from problems being experienced from a mistrust of the police; a witness protection programme often compromised by the presence of the police; a lack of tangible results "achieved in preventing, quelling, investigating and prosecuting crime and violence" and a lack of communication with others who could be of assistance. Proactive prevention of violence was called for, and the need in conjunction with the Attorney-General for high profile cases to be investigated and brought to trial expeditiously (Ibid; 1993: 39-40) **[RD:** December 1993].

1994:

13. SADF INROADS INTO COMMUNITY-POLICING:

Early in the new year, there had been incidents in Old Crossroads, described as criminal violence by elements of the police and the military. The SADF (Group 40) had still been patrolling the areas regularly and had been considered by many residents in Boy's Town and Unathi Village as more reliable and effective than the Nyanga SAP.

On information received at the official launch of the LPC at the Zolani Centre on the 12th February, the researcher drove into Boy's Town to try and find Amos Nhyakatyha. His home had been burnt out earlier that morning and the place was deserted apart from the arrival of a SADF officer who introduced himself as a Lieut. Fourie from Group 40, a policeman in plain clothes and an alleged "informer". Fourie had suggested that the researcher should contact a Lieut. Erasmus MI at Group 40, for information. Telephoning Erasmus that afternoon, the researcher heard of a chain of violent incidents that had begun the fortnight before with the shooting of Tembinkosi Trevor Waka allegedly by Hatile and Monawabisi. This morning, Waka's nephew, Makhsandile Ndzele, had been shot, as well as Nhyakatyha whose shack had then been burnt-out. Erasmus explained that Nhyakatya, Waka and the Rev. Mhambi had been trying to broker peace between the Sections Two, Four and Boy's Town of Old Crossroads but that the night before Lindile Salman had been shot dead near the Klipfontein Road opposite Section Two allegedly by Nhyakatyha (Erasmus, Lieut., 12/02/1994).

Statements were given to NIM by both Waka and Nyhakatyha. Waka concerning the incident, on the 4th February, in which he had been allegedly shot by Hatile in the company of "Monwabisi Krokrwana", "Banana and Baba" and had ended up in hospital. He had been visited there by a coloured policeman, "Philip" from the Nyanga CID, who had not returned to take a statement from him as promised (Waka; Statement given to NIM: Greenwell; 21/02/1994). Nyhakatyha's statement relating to the incident, on the 12th February, identified "Monwabisi and another nicknamed 'To'" as having approached his shack and threatened him and his wife before going on to attack "(Mbeka) Maksandile N[d]zele". He related how his wife had gone for help and returned with members of the SADF who had asked him for a statement and he had then shown them where both Monwabisi and "To" lived in Boy's Town. Later that day, he had requested the SADF for assistance and they had helped him and his wife to re-locate (Nyhakatyha, A. Statement given to NIM: Greenwell; 21/02/1994).

Nyhakatyha had already given a statement to W/O Paul Mathunzi (case no. 6940608). Both statements referred to peace efforts that had been spearheaded by Nyhakatyha between the residents of Boy's Town and Sections Two, Four and even Unathi Village but that this had not been acceptable to all. Nyhakatyha even alleged that Sanco and Johnson Mpukumpa in particular "... felt it is wrong to try and bring peace in that community. They seem to want to retain a division between Boy's Town, Section 2 and Section 4. It is a problem between Sanco and Wecusa" (Ibid; 21/02/1994) **[RD:** February 1994**]**.

In a further statement, Ndzele (26 yrs, no. 2435 Boy's Town and later no. S73 Site B Khayelitsha) stated that at approximately mid-day, four men had approached him; "...one was Monwabisi, another Toni, and another Madoda, and the other 'Hatile' Elliot". He went on to relate how both Toni and Monwabisi had shot him and described the firearms they had used. He had been hospitalised for eleven days and had surgery. W/O Mathunzi had come to the hospital to take a statement but he had not seen or heard from him in the two months since (Ndzele; Statement given to NIM: Greenwell; 06/04/1994).

Lieut. Erasmus reported that Monwabisi had allegedly shot himself on being cornered by the police, but that Hatile was still on the run having been arrested and then released on bail. Erasmus confirmed that Simon Mqulwana [state-witness in the murder case against Elese et al.] was alleged to be "...involved in driving a group of young thugs around and was suspected of carrying arms in his car" (Erasmus; 04/03/1994).

Simon Mqulwana had allegedly been arrested after a raid on his house, no. 2047 Unathi Village Old Crossroads, on the 25th June 1993, while he was at work. During the raid, according to a cousin, Luleka Mqulwana, the police allegedly found; "... weapons in my property namely an R1, an R4 and magazines and some ammunition", and that on returning home he found; "... that the following items were missing: A sum of R500, 4 video cassettes. I estimate that the entire damage caused including theft is approximately R2000.00" (Mqulwana, L., Statement given to Umac: June 1993). It was further alleged that he had not been prosecuted for the offence.

At a meeting with Lieut. Erasmus at Group 40, on the 16th March, the existence of a "criminal element" in Boy's Town/Section Two youth was discussed and the alleged involvement of Simon Mqulwana in their training and possibly Harrison Mogamile's [accused with Elese in the murder case for which Mqulwana was the only state-witness] (Erasmus; 16/03/1994).

To what extent there had been a mutual sharing of intelligence information within the security forces serving the Nyanga/Crossroads area at that stage, it was hard to gauge. To the researcher there had appeared to be an antipathy, or atmosphere of mistrust between them, a resentment of the military presence by the police and an arrogance at the police ineptitude from the military. The allegation that Mqulwana had not been prosecuted had led to speculation concerning a successful "plea bargain" in return for Mqulwana turning state's-witness against Elese and Mogamile. Mogamile had allegedly been allowed to deal in "dagga" without interference by the security forces **[RD:** March 1994].

Finally, after much trial and error patience and perseverance, the Vietnam witnesses to the arson attacks in Old Crossroads, on the 15th April 1993, had been assembled and transported to an ID parade at Bellville Police Station organised by Sgt. Cornellissen. Despite the absence of the key-witness (Nowethu Jaxa) eight of the others were able to identify two of the accused, Loleka (brought from Viktor Verster prison Paal) and Victor Sam (brought from Pollsmoor) (Greenwell; 12/04/1994).

14. THE FIRST DEMOCRATIC GENERAL ELECTION:

Since the beginning of the year and before, preparations had been underway to enable the majority of South Africans to vote in the first democratic General Election of their country, in April 1994. The period of Registration in the African townships and informal-settlements of the Cape Town area, had passed peacefully and without any necessary support or intervention from the security forces. Because of the historic Security Force connection with the incumbent apartheid government their overt involvement in service over the election period had not been acceptable. However, behind the scenes they had combined their operations to assist in facilitating the process and on the alert to fulfil their usual role should any violence erupt.

A JOC had been set-up at the SADF Group 40 HQ as a joint SAP/SADF communications and intelligence centre for the surrounding areas including Old Crossroads, Nyanga, Gugulethu, Langa, and Mitchell's Plain. The JOC had reported to the Special Operational Centre (SPOC) in Cape Town and, in turn, received their orders from them in conjunction with the IEC. IEC Specialist Monitors formed a roster to serve on the Nyanga JOC for the week over the election period and reported to, and received directions from, the IEC HQ in Cape Town. The IEC had sole charge of the running of the election. A police Colonel headed and chaired the JOC's morning briefings where information from the IEC Regional Executive was disseminated, planning and logistics were discussed and decisions taken surrounding potential security needs, and in some cases material needs. Portable electricity generators were needed at four polling stations in informal-settlement areas and proved an ongoing problem which Capt. Roberts of the Nyanga police had battled with till the second day of voting. Roberts had deputised on the JOC for the station commander, Maj. Theron, who was allegedly on sick leave. Otherwise, members of the security forces could only stand by at the ready, although police personnel had been deployed at entrances to polling stations (in most cases only two policemen were on duty) on the days of voting (IEC Specialist Monitor: Greenwell; 22-30/04/1994). Capt. Roberts had been called in with other police members to assist the Director of Specialist Monitors, Val Rose-Christie, in collecting ballot boxes late at night from

the polling stations when the IEC's official transport had become logistically over-overwhelmed (IEC Specialist Monitoring Department: Rose-Christie; April 1994).

The security force intelligence services had been crucial to the peaceful run-up to the elections and to the smooth running of the days of voting. After a sticky start at the first meeting of the Regional SPOC attended by the IEC Regional Director, Mary Burton, (Black Sash) with two others from the IEC Regional Executive at which the IEC had been virtually ignored by the Security Force senior officials, the climate had improved. In the urban areas of the Western Cape there did not seem to have been any reason to suggest that the co-operation and effort contributed by the security forces had not been entirely authentic. The reports from the rural areas, however, had left a lot to be desired (IEC Specialist Monitoring Department: Rose-Christie; April 1994). The Nyanga JOC, from the researcher's view point had worked unstintingly to make a success of their situation under difficult circumstances. The IEC District Executive Officer (DEO) for the area, Kenneth Mgqamqo, had failed consistently to attend the daily morning briefing meetings, or to communicate adequately to share essential information, to the extent that, he was either totally incompetent or motivationally suspect in the opinion of the researcher.

During the days of voting and outside of her roster duties, the researcher had been able to visit all the voting stations covered by the Nyanga JOC to monitor and report-back to the IEC Specialist Monitoring department. Apart from the general lack of voting materials which caused late opening times leading to extended closing times, the absence of some personnel, and the lack of electricity or fuel to run the generators once delivered, the days had passed joyously and peacefully in all types of weather. For the first time the researcher had witnessed policemen smiling and sharing in the community's euphoria. The military's hardware had remained parked at their Group 40 base, and its members having voted had remained metaphorically speaking confined to barracks, although routine patrols had probably continued (IEC Specialist Monitor: Greenwell; 22-30/04/1994) **[RD:** April 1994].

15. END OF YEAR ROUND-UP:

After a six month period overseas, the researcher had returned to find that both NIM and the Black Sash Monitoring Unit had ceased to exist and that the LPC office in Nyanga was in the process of being closed down. Efforts were made to retain its presence as an NGO peace office and it became known as "Eluxolweni" with Sophangisa remaining as its Director. He and Alison Stent of the Human Rights Committee (HRC) had briefed the researcher, on recent events in Old Crossroads. The most serious of these had appeared to be the re-surgence of taxi violence that had

erupted in Khayelitsha during October but had quickly spread to what remained of Section Two and parts of Boy's Town where it appeared to have become a Wecusa versus Sanco issue. The killing of Nyhakatyha, on the 3rd or 4th December, in Site B Khayelitsha, where he had been living since the arson attack on his home in Boy's Town early in the year was alleged to have been attributed to Sanco.

Towards the end of the year similar allegations had emerged to those that had been reported during the height of the violence in the informal-settlement areas of Old Crossroads in 1993. Again police members were alleged to have been present during arson attacks and to have done nothing to prevent them, followed by a lack of criminal investigation. Also during the Section Two and Boy's Town conflict there had been an incident of arson in which patrolling SADF members had allegedly stood watching and doing nothing to stop it (HRC Report: Stent; 07/11/1994).

In another report on the situation, the HRC had commented that it had become clear that the violence was not only related to rivalry between the civic associations, but was also an attempt by Cata to gain the upper hand in routes. In particular the routes to Belville in the Northern suburbs and customers to, and from, the Klipfontein Road extension of Section Two, Boy's Town and the back of Unathi Village. According to a community source;

> A Sanco Region spokesperson said a Wecusa plan to remove all people who are not Wecusa supporters from Section Two, had been uncovered and brought to him that day. He also said that whoever is behind the burning of shacks, is sending young children in, age nine or ten, to do the burnings. He claimed about 80 shacks have been burnt since October 8. ... Other sources claim the number is closer to 100, while police reports bring the total to 26. ... Another source said a more realistic number ... is about 200, because shacks are build[t] in [a] compound of five or six for an extended family. An average of five people live in a shack (HRC/Sanco Region Report: Stent; 18/11/1994).

A further HRC report had stated that on the 24th October, ten shacks had been burnt in Boy's Town. At the same time there were reports of police having fired tear-gas at the warring factions and having been pelted with stones in return. Community members had accused the police of "taking sides", and of doing nothing to stop the shacks being petrol-bombed (HRC Report: Stent; 29/11/1994) **[RD:** November 1994]. Victims of these arson attacks in Section Two had been staying in the Mfesane Centre Community Hall until December when they were asked to move out and had joined others squatting across the road in an un-finished government clinic **[4.3.5**: 48-50] **[RD:** December 1994].

1995-1998: THE YEARS OF TRANSFORMATION:

1995:

On the 12th January, at a JFP meeting, Stef Snel of Umac introduced a proposal for a community empowerment and policing transformation scheme for promoting joint working forums to be known as CPFs for which British Government Funding might be available. A proposal that was to be widely debated and often amended by representatives of the member organisations of the JFP before the project had been launched in 1996. The project would be designed to help disadvantaged communities to learn from project fieldworkers of their rights and responsibilities when working in conjunction with the police to reduce crime and improve public safety. The police, in turn, were to be assisted in becoming a service organisation rather than a repressive force. Nyanga police station had been selected as a target of such special focus (JFP Meeting: Snel, 12/01/1995).

16. OLD CROSSROADS:

Probably sparked by the murder of Matata Shadrack Ndlamaze of M134 Boy's Town on the 5th January, the Rev. Mhambi of Boy's Town had headed a delegation from Boy's Town and Section Four to the Nyanga police station to present to the Station Commander, Lieut. Theron, the following demands;

1) the removal of the remaining shack-residents in Section Two as they were instigating violence;
2) as there was a need for development;
3) the removal of the SANDF and SAP in the area;
4) the removal of Gladstone Ntamo (Sanco, KTC)

(Community Demands: Mhambi; 8/01/1995).

The deputation had also called for a joint meeting with the Provincial heads of departments; Patrick McKenzie (Security), Leonard Ramatlekane (Transport), Gerald Morkel (Housing) and Peter Marais (Local Government) (HRC: Stent; 10/01/1995).

On the 11th January, Simon "Fatty" Mqulwana (SACP and Sanco) was fire-bombed at the back-door of his home (house no. 2047 Unathi Village) and he had died the following day. According to his wife, he had been attacked the previous day and shot in the left shoulder. He had identified his attackers on that occasion as; "Teenage, Chester, Rasta Mogamile and Bansi Mathubu. He told me that Chester had shot him. He reported this to the police at Nyanga, Case No. 158/1/95 Sgt. Griebelaar" (Mqulwana, Mrs. Statement given to UMAC: Greenwell; 30/01/1995).

On the 25th January, the shack of Mqulwana's brother had been burnt-out in Section Two, and after the funeral of his brother, on the 28th January, his car had been attacked and burnt-out. He escaped unhurt but a passenger, Siyabulela Khobo, was injured. He identified three out of four of their attackers as "... Badanile and Khumsile, and 'Michael' who sells meat by the roadside threw the petrol bomb into my car. They took my clothes, the car tape and the battery from the car. They come from Boy's Town". Earlier in the statement he had described how members of the SANDF patrol standing near a buffel parked at the Mfesane Centre on the Klipfontein Road, had shouted to them to run but had done nothing to help as the car burnt. Someone from Section Two had taken Khobo to the Khayelitsha Day-hospital (Khobo's shack no. E3, had been burnt on14/03/1993) (Mqulwana, M. Statement given to Umac: Greenwell; 30/01/1995).

On the same day, the Rev. Shadrack Mhambi had been shot dead from a "toyi-toyi" of approximately two hundred people coming from the funeral of Simon Mqulwana (at Topcor house no. 907 in Unit Sixteen/Seventeen near the White Office) in Phase One of Old Crossroads (Hamse; & Snel; 28/01/1995). The killing was part of the ongoing conflict between Section Four and elements of Upper Boy's Town, and what remained of Section Two and Lower Boy's Town who sympathized with them.

At a previous meeting with Lieut. Erasmus at the Group 40 HQ, he had handed over his list of the names of those killed, injured or fire-bombed since the first week of October 1994. His assessment of the march led by the Rev. Mhambi with Section Four/Unathi Village PAC and elements of Boy's Town to the Nyanga police station on the 8th January had been to use the Section Two residents as "scapegoats". According to Colin Appleton (SLP) their continued presence in Section Two was not a bar to development but that the lack of agreement between the areas was. Erasmus reported that Mhambi had not been attending RDP meetings as the Sanco representative, and that he had been allegedly selling ANC membership cards for fifteen rands each instead of the stipulated three rands. Erasmus had speculated that Nongwe did not want the development to take place as he would lose the five rands rent per shack per month that he allegedly received from residents. Shacks that had allegedly often been handed out to newcomers whilst the owners were away from the district. He contended that Nongwe had been attempting to control and destabilise the situation. He had further suggested that there was a need to send out a circular to the constituencies of Old Crossroads to inform them of the underhand practises and procedures that were being perpetuated by Nongwe, Mhambi, and the PAC in the area (Erasmus; 19/01/1995).

17. SAPS CRITICIZED FOR INACTION:

On the 27th January, a meeting was convened by Umac and the HRC, with Capt. Calitz, Maj. Perry and five investigating officers of the SAPS Unrest and Violent Crimes Unit, in response to a Facsimile sent by Mxolisi Mgxashe of the Cape Argus, in which he had questioned the lack of effective policing taking place in Old Crossroads and Khayelitsha. As a result, monitors were asked to assist with statements, four in particular, concerning;

1. the murder of Simon Mqulwana on the 11th January;
2. the murder of Babatu Singama in Boy's Town on 29/10/1994;
3. a fourteen year old witness Vilyle "Lucky" Mendu of 511Boy's Town;
4. and another potential witness Wilson Mrwebi of P26 Boy's Town;

At the meeting the police had reported that Petrus Mafiliki had been arrested for the murder of Matata Ndlamaze of M134 Boy's Town on the 5th January, and that Trevor Waka had been arrested for the murder of Madoda Dyani in November 1994 (Umac/HRC/SAPS Meeting: Greenwell; 27/01/1995).

On the 30th January, a further meeting had been convened at the HRC office with the same role players joined by Capt. Annette Meyer (CIS) and Det. Sgt. Roussow (Unrest and Violent Crime Unit). At this meeting the monitors presented the police with a list of cases over the past year that they would like feed-back on in return for their assistance with the statements requested by them at the previous meeting (Umac/HRC/SAPS Meeting: Greenwell; 30/01/1995) An attempt was made to approach Nelson Hala [ANC Boy's Town] for assistance in finding the witnesses for the police but it proved fruitless. His credentials and motives were subsequently questioned by some who saw him as directly involved in the training of the youngsters in Boy's Town (Mqulwana; 15/02/1995). However, efforts had proceeded with the assistance of Sophangisa of Eluxolweni **[RD:** January 1995**]**.

On the 26th February, Victor Sam appeared in Mitchell's Plain Magistrate Court for the final judgement on his Bail application, which the SAPS had been attempting to oppose. In a letter to the Attorney-General, Frank Khan, the HRC had appealed for the refusal of Bail and enclosed a graph depicting the levels of violence over the last year and its sudden drop when Sam was arrested and held in jail (HRC: Stent; 24/02/1995) **[RD:** February 1995**]**.

Selina Dasi, an ANCWL/WPM member who had given a statement to NIM alleging intimidation by some Crossroads Councillors in 1993, requested assistance. She had a

shop in the Topcor Training Centre precinct where the accused in her case, Poni de Wet and Pupu (both still statutory members of the TLC), were working and were often within earshot of her shop. A Nyanga CID officer had come to her shop and had tried to interview her, about her allegation of intimidation, and had become aggressive when she would not co-operate, insensitive to the fact that she could so easily have been over-heard which she had tried to explain. She had agreed, after negotiation, to a meeting with the CID officer at the Black Sash Office in Mowbray, at a later date. She had also expressed her concern at the continuing destabi lisation in Old Crossroads and the lack of 'voter education' in the run-up to the local government elections (Dasi; 02/03/1995).

18. JFP CHALLENGES SAPS APPOINTMENT:

The JFP had continued to meet monthly and had begun to widen its constituency bringing in representatives from Nicro, the Anti-Crime Forum, Rape Crisis, and the Gugulethu CPF who shared complaints and suspicion attached to the SAPS in working with them on community policing programmes. There had been a united front in opposing the appointment of the former Security Branch policeman, Brig. Andre van Heerden Beukes, as Police Commissioner for the Western Cape. Beukes, according to a newspaper report, had sought; "... indemnity just before South Africa's first all-race elections in April last year";

> 'The application for indemnity involved the administrative process between police and the department of Home Affairs concerning the request from police to Home Affairs for the issuing of fictitious travel documents for official clandestine operations outside of the country, including Eugene De Kock's' he said (Cape Argus: Underhill; 05/03/1995).

Beukes addressed a meeting of the JFP, on the 15th March, in an attempt to strengthen his case and to gain acceptance but he was bombarded with questions on his Security Branch role and members remained highly critical of his appointment (JFP Meeting: Greenwell; 15/03/1995). On the 16th March, at a joint JFP and SAPS public meeting was held at Mowbray Town Hall to introduce and discuss the Community Policing Forum concept, and the proposed project with which to launch such fora in the Western Cape (JFP/SAPS Public Meeting: Greenwell; 16/03/1995) **[RD:** March 1995**]**.

During May, the Nyanga SAPS in its report for the financial year 1994/1995, in comparing it with 1993/1994, claimed that it had; "... succeeded in bringing crime in the difficult area of Nyanga and Crossroads under control ...". It reported; "a thirty-five per cent decrease in reported rape cases, and a thirty-nine per cent decrease in

housebreaking, business premises, as well as decreases in theft from motor vehicles, theft of motor vehicles and robberies" (Nyanga SAPS Report; 1994/1995).

During April Lieut. Erasmus was posted elsewhere and Lieut. Hill replaced him at the Group 40 HQ after which communication had become more difficult for the researcher. Erasmus had reported in March on the situation in Site C Khayelitsha where violence had erupted between the ANC and the PAC. He suspected that the NP were siding with the latter. He had similar problems in contacting Hala in Boy's Town and had voiced similar reservations about him. He spoke of Alice Mambatano who had become the Sanco representative in Boy's Town after the Rev. Mhambi's murder. In response to a request for information from Umac, Erasmus had confirmed that Mayongo (PAC, associated with Gxokwe and Ngxobongwana) who was living behind Simon Mqulwana's house, was employed by the military at the Youngfield base outside Cape Town (Erasmus; 31/03/1995). Later Erasmus had reported on Site C Khayelitisha situation and that PAC youth were being trained in Drift Sands (Erasmus; 18/04/1995). The following month Lieut. Hill reported that the PAC youth were now being trained in Wellington or Paarl (Hill; 26/05/1995). Whether there had been any link with the PAC youth being trained in Old Crossroads, allegedly by Gxokwe, had not been established **[RD:** May 1995**]**.

Early in June, Malibongwe Sophangisa had reported to an Eluxolweni Director's meeting that he had been elected as an interim chairperson of the newly formed CPF in Nyanga. Sophangisa was still working with the police on finding the witnesses they had asked for in Boy's Town, and he had been making some progress in convening a Sanco backed RDP but this had still been without Wecusa support (Greenwell; 05/06/1995).

On the 23rd June, the SANDF at their Group 40 base in Old Crossroads held a presentation for Cape Town Security Firm representatives to which the researcher was invited. The purpose of the presentation was to advertise their plan to; "Organise; stabilise; normalise; and promote growth in the area". There were vague suggestions of community up-liftment but no mention of any specific plan to assist with up-grading social conditions in the area, let alone, the council compound and surrounding roads, broken up by their heavy vehicles, some of which became virtually impassable during the winter rains. The presentation had appeared to be an attempt to persuade the representatives to venture into the townships with their firms to better secure them alongside the security forces (Greenwell; 23/06/1995) **[RD:** June 1995**]**.

When visiting Group 40 HQ with Alison Stent (HRC) the following month, Capt. Hill and Capt. Sizwe Mfule had reported on the shooting of Maphasa, the secretary of

Wecusa (Section Four), who lived near Nongwe (in hospital after a car accident), allegedly by "Teenage" Naki. Naki had returned from the Eastern Cape and was now living in Unathi Village **[4.3.6**: 53-54**]**. William Sidinana, the ANC chairperson in Section Four, was now Mayor of Old Crossroads. It was further reported that Toto Botha had been shot at from a moving white taxi with tinted windows and no number plates, on the 21st July (Hill; 24/07/1995). In meeting at Group 40 with Lieut. Linde, she had reported on Driftsands, and Green Park where Ngxobongwana and his NP supporters had moved, and that since then John Matta and others had moved to other settlements between there and Mfuleni (Linde, Lieut. 28/07/1995) **[RD:** July 1995**]**.

On the 17th August, the murder case against Elese and Mogamile was dismissed in the Supreme Court of Cape Town as the only state-witness, Simon Mqulwana, had been killed and the police had not been able to provide any further evidence to support their case **[4.4.6**: 78**]** (Greenwell; 17/08/1995) **[RD:** August 1995**]**.

19. SAPS IN SECTION FOUR - NYANGA CPF CHAIR:

On the 21st September, there was a meeting at the Nyanga police station at the request of the Nyanga CPF chairperson, Sophangisa, between residents of Section Four in Old Crossroads (Nongwe, Ndima, Thei, Gyotyombi and Loleka amongst others) and the Nyanga Station Commander Maj. Theron. There had been two separate SAPS operations in Section Four looking for suspects and weapons, one had involved two detectives from the Nyanga SAPS; and the other had involved a detective from the Unrest and Violent Crimes Unit stationed at Belville South. Both units, when confronted by members of the community had allegedly said that they had been acting on information supplied by the chairperson of the Nyanga CPF, and had named him as, Malibongwe Sophangisa. The meeting was chaired by the police and the minutes taken by an independent community member. The detectives concerned in the incidents were not present, as had been requested. The meeting agreed that the detectives should be present so that the matter could be properly discussed, so the meeting was reconvened for the following day at ten o'clock (Greenwell; 21/09/1995). The purpose of the meeting had been to get the SAPS operatives to explain their actions and deny that the information had come from Sophangisa, in an attempt to diffuse a potentially dangerous situation for him and for ensuing unrest in Old Crossroads and Nyanga.

The following morning at Nyanga police station, residents of Section Four gathered with two local ANC representatives (interpreter and minute-taker), Sophangisa and the researcher. The meeting was chaired by a policeman from Nyanga. After a delay, Maj. Theron arrived with Det. Sgts. Berger and Minnar from his staff, but without

Det. Sgt. Mathumzi who he claimed he did not know how to locate. The researcher had then suggested that he should contact Maj. Perry at the Unrest and Violent Crime Unit. This he did and Mathumzi eventually arrived. Meanwhile, Berger and Minnaar were being asked by Section Four representatives to explain to the meeting the circumstances surrounding the Section Four house-searches they had made that night, during which a neighbour had asked them why they were conducting the searches without the presence of the owners to which they had replied that the owners were in their van. What had followed was described by the neighbour, Thei, who agreed that the exchange between him and Berger had become heated, as a result of which, Berger had suggested that if he had a problem with their operation he should take it to the local CPF and its Chairman who had supplied the information. This was confirmed by Berger at the meeting but he denied that he had mentioned the chairman by name. Thei, however, maintained that the name Sophangisa had been mentioned at the time, which he only heard later, had referred to the local mediator and administrator of Eluxolweni, previously known to him as Malibongwe.

Mathumzi, unable to contain his impatience with the proceedings, interrupted the meeting to give his version in which he confirmed that he had gone into Section Four with a list of suspects provided by Det. Sgt. Phillips, which Phillips said had come from Mr. Sophangisa. Mathumzi said that he had proceeded to arrest those on the list he could find and had asked Section Four residents to bring the others forward to the police. He then began to berate the Section Four representatives for not having done this and became more and more heated as he did so, culminating in his walking out of the meeting without having listened to or having been questioned further. Understandably, his behaviour was severely criticised by many of those present and Maj. Theron agreed that it was unacceptable and that his own staff had acted inappropriately (Greenwell; 22/09/1995).

The researcher had then written a letter to Maj. Theron and Maj. Perry recording these events, and expressing her;

> disillusionment with this example of so-called new style Police Servicing ... .The behaviour of Sgt. Mathumzi could only be explained as masking the knowledge of his guilt for having disclosed the source of his information, if I am correct in assuming that this is something a policeman should never do.
> The potential damage it has done to the local CPF ... but of little consequence compared with the appalling danger it has placed Mr. Sophangisa in, as chairperson of that Forum, and in his position at Eluxolweni. ... this is not the first time that his life has been threatened or his peace work put in jeopardy, but for it to occur in the New South Africa under such circumstances places

> us right back to questioning whether the old-style SAP/Systemic agendas may still be at work in destabilisation rather than peace-making (Greenwell; Letter to Majs. Perry & Theron, SAPS: 25/09/1995)

Copies of this letter were forwarded to; the SAPS Dept i/c Community Policing, the HRC, Umac/Eluxolweni, Prof. Wilfred Scharf of the JFP/Police Complaints Ombudsman, and Sophangisa, accompanied by a covering letter from Sean Tait of Umac. Umac wrote a further letter to them on the 29th September requesting a written response as so far there had only been a verbal acknowledgement.

On the 29th September, the Umac/Eluxolweni merge was officially launched at the Umac offices in Observatory Cape Town. Amongst the guests were Colonel Brookbanks of Police Intelligence, who had a report of the above case, and Maj. Perry whose detective was implicated in the case. In speaking about Mathumzi's involvement in discrediting Sophangisa, Perry admitted, as had Theron, that it should never have happened and that they would have to hold a meeting with the residents of Section Four to attempt to ameliorate the situation. Perry, however, had appeared more determined to solicit the services of both Umac and Eluxolweni members in giving evidence in the police's case against, Simphiwe "Teenage" Naki's bail application at the Mitchell's Plain Magistrate Court the following week. Once more, monitors going into Old Crossroads regularly, let alone, Section Four would be compromised if they appeared in court, which left them wondering as to his motive. Stef Snel, the director of Umac, was eventually subpoenaed to appear at court and give evidence the following week. Umac had received a threatening telephone call after Snel had given his evidence in the Mitchell's Plain Magistrate Court **[4.3.6**: 55-56**]** **[RD**: September 1995**]**.

On the 4th October, there was a well-attended CPF meeting at the Llengisa Primary School in Nyanga East with Sophangisa in the chair, and with both Majs. Theron and Perry in attendance. As a result of a statement made by Perry at the meeting, questions had been asked of the police concerning the endangering and undermining of the CPF chairperson in the police operations in Section Four. Perry had confirmed (after agreement in a previous meeting with the chairperson) to the meeting that Theron would arrange a special meeting in Section Four to explain and attempt to ameliorate the situation, as had been requested by the chairperson (Nyanga/Crossroads CPF Meeting: Greenwell; 04/10/1995).

On the 9th October, Sophangisa reported that he had been informed, over the week-end at his street committee meeting, by the chairperson Gaji that the father of Nombulelo Mandla had come to him to report that, on Wednesday the 4th October,

his daughter had been kidnapped by "Nuki" Malibongwe Sophangisa, and taken in his car to a house in Gugulethu where he had raped her, and that the child had not been brought back until 21h00 that night (Sophangisa; 09/10/1995).

In a report at the time (and in a statement given to Nyanga SAPS), Nelson Diba (Eluxolweni field-worker); "... mentioned that on the day [04/10/1995] him and Malibongwe left the office at 17h25 and Malibongwe dropped him at his house and Malibongwe asked him to arrive on time at the meeting ... later at Llengisa Primary School at 17h57 the meeting proceeded until 21h00" (Diba; Statement given to Nyanga SAPS: 09/10/1995). This meeting had been the CPF meeting, already mentioned, at which the researcher had arrived to find Sophangisa helping the care-taker to collect and arrange chairs for the meeting. Sophangisa had then chaired the meeting from 18h00-20h00, and further discussion had been taking place after as she left.

A rape charge had been laid against Sophangisa at the Nyanga police station two days after the incident had allegedly taken place by which time the forensic evidence of rape was described as inconclusive. Despite Sophangisa's complete co-operation with the police, the case was allowed to drag on until mid-January 1996 (when he was informed by the Nyanga police that the result of his blood test was negative and that they would be dropping the charge of rape brought against him by the twelve year old [fifteen year old?] girl.

Sophangisa had considered bringing a civil case against the girl for "malicious arrest" in an attempt to discover who had put the her up to it, and who had motivated the defamation campaign that was being waged against him. He took the issue to his street committee, the area committee and his local ANC branch and had hoped to have the co-operation of Sgt. Faro, the Nyanga SAPS investigating officer until he was transferred, but without success. The questionable policing and investigation of this case added to the developments that were discussed in **[4.3.6**: 55-56**]** were the cause for great concern. After various interventions with which the researcher had been involved, without having been asked to give a statement, in conjunction with the police to facilitate the matter, Sophangisa had given a blood test and had been finger-printed before he went on holiday during November.

Meanwhile, in telephone conversation between the researcher and Nongwe, he had enquired about the proposed meeting to be held in Section Four between the residents, the CPF chairperson, and Majs. Theron and Perry, and had requested Sophangisa to telephone him about any progress (Nongwe; 17/10/1995). However, Theron had done nothing about setting-up the meeting, and no meeting had taken place by the time he

relinquished his command in Nyanga, early in 1996.

Eluxolweni reported that a Nyanga East residents' march had taken place to the Nyanga police station demanding the dismissal of Theron, and complaining; of the lack of effective policing; the lack of police personnel and vehicles; and the prevalence of drunkenness in police personnel while on duty at the police station. There had been several cases of armed robbery in Old Crossroads at the time (Eluxolweni: Jensen, M; 12/10/1995) **[RD:** October 1995**]**.

Eluxolweni later reported on a letter from Theron received early in November requesting their support in motivating the SAPS authorities to allow him to remain as Station Commander in the face of rumours that he was to be replaced. The letter had remained unanswered (Eluxolweni: Pringane; 09/11/1995).

During November, while the CPF interim chairperson was away on leave, there had been two crucial Nyanga/Old Crossroads CPF meetings called by the Nyanga Saps and chaired by Moeketsie Ntsane. On the 15th November, a SAPS Attorney and his assistant were sent by the Provincial Commissioner, Gen. Beukes, and the Provincial Minister of Police, Patrick McKenzie, to address the CPF Executive on the appointment of a new Station Commander (Station Commissioner, and the appointee to have the rank of Brigadier). A short-list of prospective candidates was presented to the meeting who were asked to make a choice, or to give up to three alternative candidates for consideration, by the 17th November, when the selection was to be made. The Executive had expressed their concern that they had not been included in the process of selection which had been going on since the end of June, that all the candidates on the list were white, and that only one of them Col. Bower (ISD) was known to them. The Executive explained that they were unable to take decisions on behalf of their constituencies but would go back to the forum and get a mandate from them. The democratic process that had been clearly defined to the Nyanga SAPS when the CPF was instituted. The Executive had agreed to call a forum meeting followed by a general meeting with the SAPS representatives early the following week on the understanding that the selection process would be delayed. The Saps Attorney agreed to try and effect this (SAPS/Nyanga CPF Meeting: Greenwell; 15/11/1995).

The second meeting had been arranged for the 21st November. The same two SAPS representatives arrived late, by which time, only the Nyanga/Crossroads CPF Executive members remained and they had expressed the general concern at the "bulldozing tactics" being employed by Gen. Beukes and Minister McKenzie, and presented three issues that the meeting had agreed should be taken back to the police

before any decision should be taken about the new Commissioner's appointment (reported to be taking over on the 1st December);

* That the community have a problem with the process that the SAPS has adopted over this matter of choosing a new Commissioner for Nyanga;
* That they should have been represented on the selection panel last Friday 17/11/1995;
* That the post should be re-advertised and the process re-started (Nyanga/Crossroads CPF Demands; 21/11/1995).

There had been questioning as to when the original advertisement had appeared in the Sunday Times, as claimed by the SAPS. The acting chairperson had conveyed the three points arising out of the hurriedly called Forum meeting, re-iterating the fact that the Executive and its' constituency had been allowed too little time for consultation after the meeting on the 15th November for a decision to be taken by the 17th, and that this was unacceptable (SAPS/Nyanga CPF Meeting: Greenwell; 21/11/1995).

A further Nyanga/Crossroads CPF Executive meeting convened by the SAPS was held, on the 22nd November, as a Public Relations exercise addressed by Col. Hansen and an assistant, where the aims and objectives of Community Policing Forums in general were discussed, the responsibility of such a body, and who should serve on it (SAPS/Nyanga CPF Meeting: Greenwell; 22/11/1995) **[RD:** November 1995**]**.

A newspaper article appeared early in December reporting on the Provincial Minister of Police, Patrick McKenzie's announcement that; "More than 30 policemen and one woman had been promoted in the Western Cape South African Police Service", and later in the same article;

> Mr McKenzie announced that Ganief Daniels, former Elsies River station commander was the first coloured person to attain the rank of director, with his new post as Nyanga Station Commissioner (Saturday Week-end Argus: Cavernalis; 09 & 10/12/1995).

The following day, Eluxolweni reported that there had been a march of residents from Nyanga, Old Crossroads, Mitchell's Plain, Gugulethu and Khayelitsha to the Nyanga police station in protest against the proposed appointment of the new station commissioner without appropriate community consultation and inclusion in the process of selection (Eluxolweni; 11/12/1995) **[RD:** December 1995**]**.

1996:

20. NYANGA SAPS - RELATED DEVELOPMENTS:

The second week in January, the new Nyanga SAPS Commissioner had reported sick. The outgoing station commander, Theron, on enquiry had no information about the result of Sophangisa's blood test (supplied the first week of November), as it had been sent to a more advanced laboratory for further testing. Theron had forgotten about the community meeting he had agreed to arrange in Section Four, and he was reminded that there had been no feed-back from him or Maj. Perry on their investigations into the incidents as promised (Theron; 09/01/1996).

Mid-month, Sophangisa had reported that the Nyanga police had dropped the rape charge against him as his blood test had proved negative. By the end of the month, Director Ganief Daniels had taken up his posting at Nyanga with Theron still in attendance to orientate him **[RD:** January 1996**]**.

Following the joint community march that had taken place to the Nyanga police station, in December 1995, protesting against the proposed appointment of the new station commissioner, Nyanga/Crossroads CPF meetings had taken place. Ganief Daniels' name had not been included in the list of names of possible candidates submitted to an earlier CPF Executive meeting by a SAPS attorney. The CPF Executive had strongly objected to the process which had resulted in the drawing up of a document by the SAPS containing the guide-lines for consultation and the involvement of communities in any future appointment of local SAPS staff members. However, this had appeared to have been ignored by the police appointment board (Sophangisa; 06/02/1996).

Eventually after further protests the situation had stabilized and Daniels had been accepted. It was to usher in a new era of co-operation and mutual transformation between NGOs, the police and the constituencies that they had begun to serve. Daniels had been determined to change the image and the attitude of his station towards serving the public. Besides believing in the need for policing transformation, he was committed to making CPFs work effectively and democratically. Despite this, Eluxolweni were to report in the following months the difficulties looming in the CPF with the Nyanga police wanting to restrict the meetings to the Forum Executives, and attempting to persuade them to take decisions without a mandate from their forum members. This was probably out of a desire to get things done more speedily than the laborious wheels of democracy would allow.

Meanwhile, Sophangisa had heard that the rape charge brought against him by the Nyanga police had not in fact been dropped and that the head of the Nyanga CID, Sgt.

Grobbler (on leave at the time of the alleged incident in October 1995) was now suggesting that the girl should be given a "lie-detector" test. Sophangisa had agreed to take a "lie-detector" test as well (Sophangisa; 29/02/1996) **[RD:** February 1996**]**.

On the 7th March, the AGM of the Nyanga/Crossroads CPF had taken place and Toto Botha had been elected as chairperson with Bongani Mpondo as vice-chairperson. Sophangisa, the interim chairperson, had withdrawn from the Executive to participate from the floor as an ordinary member of the Forum. From the Nyanga SAPS, Dir. Daniels was to be part of the Executive with Sgt. Zimba as the treasurer, and other representatives would be drawn from Popcru, Sapu (South African Police Union), crime prevention, and two from the Public Relations Office (PRO) (Eluxolweni: Sophangisa; 08/03/1996).

The official launch of the Nyanga CPF (which incorporated Old Crossroads and Philippi East) had taken place on the 9th March. The intention was that there would eventually be sub-fora in Old Crossroads, Lower Crossroads, Vietnam and Philippi East (Brown's Farm);

> As the Member of Parliament for Nyanga, Mr. Rose Sonto put it during the launch, the community policing praised the process leading to the launch and the final establishment of the Forum, as having removed the stigma of suspicion by the community of the police (Citivision: Jansen; 14/03/1996).

That night two policemen, Acting-Commander Sibeko of the Unathi Village SAPS satellite station and Sgt. Ncoza had been shot as they patrolled in a police van, and both were hospitalised as a result. One under age youth had been arrested but three escaped. They were alleged to be members of the Gxokwe trained youth gang. The satellite station had been closed (Eluxolweni; 10/03/1996).

In another incident reported in the press on the 12th March;

> National Priority Crime Unit detectives have offered R20,000.00 reward for information on the Peninsula's most notorious car hi-jacker who has gone into hiding ... . The 26-year-old Nyanga man is on the run after the arrests late last week of his five accomplices, who include a 14-year-old boy and a youth of 16.

Later in the same article;

> No one was injured in the 10 car hijackings that have been linked to this gang. ... the man is wanted in connect-

> ion with at least seven murders and at least 20 cases of arson in the Nyanga area. ... allegedly set shacks alight during the faction fights between Section Four and Unathi residents.
> Police would like to speak to Mr. Sibulelo Mthetho ... also known as Mr. Andile Mdladlane and has the nick-name MJ ... (Cape Times: Cameron; 12/03/1996).

Violence had erupted during the first week of March in Old Crossroads with attacks on "spaza" shops in Section Four, Unathi Village and Phase One. The first attack had apparently been a reprisal attack by a "spaza" shop owner whose own shop had been attacked in November 1995. He was alleged to have killed his attackers and buried them, and to have injured one other. This attack had sparked off the two other attacks. There was an emergency meeting at the Crossroads Community Hall to discuss issues surrounding these attacks on the 5th March, and soon after there was a complaints from Nongwe and Stulo of threats by youths taking place in Section Four (Sophangisa; 05/03/1996) **[RD:** March 1996**]**.

Speaking with Supt. Grobler, i/c of Nyanga SAPS CID, concerning the rape charge still being investigated against Sophangisa, the researcher gained the impression that he doubted Sophngisa's innocence. Grobler reported that Sgt. Faro (original investigating officer) had been transferred, but before leaving had returned from the Chief Public Prosecutor at the Mitchell's Plain Magistrate Court with the impression that the state had wanted to prosecute (Nyanga SAPS CID: Grobler; 15/03/1996).

On the 1st April, having made an appointment with Grobler at Nyanga police station, the researcher gave him a written and signed statement confirming that she had been present at the Nyanga CPF meeting, on the 4th October 1995, chaired by Sophangisa at the same time that he had been alleged to be raping a girl in Gugulethu. Diba (Eluxolweni) had supplied a further statement, as his original statement had been missing from the Nyanga SAPS file, as was the statement from the Llengisa School care-taker given at the same time. Later in the month, Sen. Supt. Perry was transferred to Nyanga and placed in charge of "Reactive Po licing", re-placing Grobler, and taking over the case (Greenwell; 01/04/1996).

21. NYANGA SAPS TRANSFORMATION TRAINING:

On the 16th April, a joint Nyanga SAPS, Umac and CCR (Centre for Conflict Resolution) meeting was held at the Umac offices in Observatory Cape Town to plan the way forward for a SAPS Training for Transformation programme at the Nyanga police station as part of a community policing project that was being undertaken by Umac (Greenwell; 16/04/1996). At a meeting on the 26th April at Nyanga police

station with Director Daniels and Superintendent Roberts potential dates for the various segments of the training programme for the Nyanga SAPS Transformation project to be facilitated by Umac were discussed (Greenwell; 26/04/1996).

Meanwhile, the official launch of the WCCPP (Western Cape Community Policing Project) to be funded by the British ODA (Overseas Development Aid) had taken place at Belville to introduce to NGOs, community representatives and police officials, the project's manager, the ODA representative and MEC adviser, Peter Stevens, and the steering committee. At the launch the concept of the project, and its aim to promote an effective policing service and introduce community policing fora within the areas they served in the Western Cape, was explained (Greenwell; 20/04/1996) **[RD:** April 1996**]**.

A copy of the proposed capacity building programme for the Nyanga SAPS Transformation project was delivered to Dir. Daniels and Supt. Roberts by the researcher, on the 2nd May, after which there was a discussion with Roberts and Sen. Supt. Els, i/c of "Proactive Policing", about preparations for the forthcoming LGE. They supplied lists of the polling stations and the SAPS members that had been appointed to each (Greenwell; 02/05/1996).

Delivering these lists to Eluxolweni afterwards, Sophangisa had informed the researcher that he had taken a "lie-detector" test that morning at the Nyanga police station but that the girl who had laid the rape charge was under-age for such a test. Grobler had said that he wanted him to take the test so that he could drop the charge (Sophangisa; 02/05/1996).

Meetings had continued between the Nyanga SAPS and Umac on the policing transformation capacity building programme. Meanwhile, information had been released to the effect that for the period of the LGE, Nyanga SAPS communication officers would be based at a SANDF JOC at the Group 40 HQ, as in the 1994 general election. Idasa had supplied a revised list of polling stations and the electoral arrangements to share with the Nyanga and Khayelitsha police stations respectively. There had been a successful public meeting at the Crossroads Community Hall where the LGE candidates for the Wards in Old Crossroads had been interviewed and filmed by SABC TV while they had been questioned by their constituents. A meeting had been planned between Dir. Daniels and the LGE candidates to discuss security arrangements, and some complaints that had been lodged with regard to election posters.

By the 27th May, in conjunction with the Nyanga SAPS, LGE day plans had been co-

ordinated, relevant telephone numbers for the JOC and Lower Crossroads had been exchanged, and final up-dated SAPS deployment lists with the names of officials in charge and the polling station venues had been supplied. It was reported that the SAPS would be transporting the ballot boxes to a centre in Gugulethu at the end of the election day. Umac/Eluxoweni did an inspection tour of all the polling station venues listed in the Nyanga, Old Crossroads, Lower Crossroads and Brown's Farm areas. The "super shacks" specially erected as subsidiary polling stations were still empty and though wired for electricity still had no generators. Two extra unlisted "super shacks" were discovered in Lower Crossroads and Nyanga SAPS were notified accordingly (Umac/Eluxolweni: Greenwell; 21-27/05/1996).

The Security Force contribution to the LGE, on the 29th May, in the Nyanga SAPS and SANDF Group 40 area of operation had been considerable with a police presence inside polling stations as well as at the entrances. Again the atmosphere had been peaceful and patient and the SANDF had remained in the back-ground although ready to respond if required. The police members, for the most part, had been helpful and friendly throughout and had facilitated the process efficiently **[RD:** May 1996**]**.

The planning of the programme for the Nyanga SAPS transformation training had progressed, but not without logistical problems. By the time the researcher left for two months overseas, the framework for work-shops and deadlines for the completion of these had been completed. Meanwhile, extensive renovations and up-grading had begun at the Nyanga police station that would continue for many months **[RD:** June 1996**]**.

By September the renovations had still been underway and had not been much help to the already low morale and the hope of more efficient policing, but some progress was reported on the transformation process. Sen. Supt. Perry had reported that the Nyanga bus terminus was working effectively with buses dropping off and collecting passengers, and with both Codeta and Cata cars and mini-bus taxis operating in and out of it. The fact that the buses did not congregate there did not seem to bother him. He shared some concern about the ongoing problem with CPA ambulances which when called out at nights did not respond timeously or willingly and were still having to come from Pinelands outside Cape Town (Perry, Sen. Supt. D; 10/09/1996). At Eluxolweni the report on the bus terminus had been rather different, and the impression gained by the researcher that the Cata mini-bus taxis had taken over the terminus had been confirmed. Buses could be seen dropping off and collecting passengers at the terminus, but as a transitory stopping place and not to congregate and re-group, as had been the intention when the terminus was up-graded. Instead, the buses had continued to congregate at the Cala Dairy off Zweletsha Drive since the

end of the Taxi-War period in 1992/1993.

Sophangisa reported on a successful combined Nyanga SAPS/CPF workshop, attended by the CPF executive and community representatives that had taken place. At this workshop (with approximately two hundred participants) criticism had emerged from within the Nyanga SAPS between the management and the Transformation Task Team. There had been complaints about the inadequacy of the CPF chairperson's report-backs to the CPF executive, let alone the wider forum in Nyanga. Sophangisa expressed his concern at the continuing malfunction of the Nyanga CPF executive and the fact that the chairperson had been attending meetings and events but had not been reporting back to the executive or calling forum meetings to report back to the wider constituency, let alone acquiring their mandate for future policy decisions (Eluxolweni: Sophangisa; 12/09/1996). This malfunction was to continue to plague the Nyanga CPF while Botha remained chairperson.

Perry was alerted by Eluxolweni of a report coming from Section Four in Old Crossroads where Gaba had been intimidated by "Task Force" (previously the Junior Big Eight/Apla youth) gang members who had allegedly been involved in the killing of a woman three weeks previously. The names supplied of these youth were; Sali, Nkuduleko, Squdyi, Tshezi and Chester. Investigating officer Gribbler was to be in contact with Malibongwe Sophangisa (Eluxolweni; 12/09/1996) **[RD:** September 1996**]**.

A Nyanga/Crossroads CPF meeting, on the 2nd October, had questioned the release on bail of one thousand rands of Gxokwe (arrested for the possession of three unlicensed firearms), and had wanted to hear who had been arrested in connection with the arson attacks in Section Four but the police had arrived without the required information or having been properly briefed. At a re-scheduled meeting, on the 4th October, the Nyanga SAPS had provided the information described in **[4.3.7: 60]** **[RD:** October 1996**]**.

The Umac/Eluxolweni policing transformation project meetings had continued fortnightly but meetings with the Nyanga police had proved difficult to co-ordinate until an evaluation meeting, reviewing the internal transformation training that had taken place since April 1996, took place on the 21st November. The following week, Daniels had expressed his partial satisfaction with the training so far but also his reservations over problems that he had been experiencing with CID members. There was amongst them, as he described it; "dead wood in need of pruning" (Daniels; 27/11/1996). Supt. Roberts had shown the researcher round the re-furbished Nyanga police station, which had become more user-friendly and efficient in lay-out, further

disguising its beginnings as a brewery **[RD:** November 1996].

Daniels and some of his staff had hosted a congenial end of year "braai" behind the Nyanga police station, on the 23rd December, to which those involved in the Umac/Eluxolweni SAPS transformation and CPF projects were invited. However, Daniels had disbanded his Transformation Task Team (Greenwell; 23/12/1996) **[RD:** December 1996].

1997:

22. PEACE INITIATIVES IN OLD CROSSROADS/NYANGA:

Eluxolweni/Umac had become closely involved in a new Peace Development Project (PDP) in Old Crossroads/Nyanga to be funded by the German government. Based initially at the Nyanga Medical Centre offices, it had afforded employment for one hundred mostly young women and men from the area who had received training as field-workers for a month prior to operating in pairs on foot in Nyanga and Old Crossroads. The training had been effected initially by various other NGOs, such as, CCR, Nicro, Idasa and the project director, besides the Umac/Eluxolweni facilitators. The training had consisted of communication technology so that each group could remain in radio contact whilst in the field; mediation and conflict resolution skills; statement-taking; sensitivity training in the event of cases of child abuse, family violence, or rape; and an introduction to human and civil rights awareness. A year later, the project had moved to larger premises in what used to be the Unathi Village satellite police station **[RD:** January 1997].

Early in February, plans for a parallel policing peace project in Philippi East had been released by Dir. Daniels. Named the Ithemba project it incorporated the community and the police in a neighbourhood watch type scheme. Members of the police were to be allocated areas in which to patrol with a member of the community to monitor potential security or welfare problems in their sector. There would be a safe-house in each sector where radio and telephonic contact could be maintained between the local satellitte station and the Nyanga police station. Unlike the PDP, funding from the SAPS had been limited which was to prove problematic. Ithemba was a voluntary community based scheme, whereas PDP field-workers received both Summer and Winter uniform waistcoats and jackets, t-shirts and sweaters, distinctive caps, and were paid six hundred rands per month for their services. Eluxolweni/Umac's Sophangisa had acted as facilitator for the Ithemba project, but without the training component apart from several work-shops with their members and the police who were to be deployed its progress had been stunted **[RD:** February 1997].

The local launch of the Ithemba project in Philippi East (formerly Brown's Farm) took place on the 10th May, with speeches from Daniels, Sophangisa, who acted as interpreter and master of ceremonies, and representatives from the project's Task Team and community leaders (Greenwell; 10/05/1997).

At a meeting with Daniels soon after, discussing the "sensitivity" training that some of his members had been undergoing as part of the transformation training in handling victims of rape, child abuse and family violence, he spoke of a proposed Trauma Centre for these victims which he was hoping to open somewhere in Old Crossroads. He mentioned that he was considering the "White Office" (former PAC meeting and training centre) as a possible venue. It had been offered to the SAPS by the Crossroads Council who had evicted the PAC for failing to pay any rent. The researcher had ventured to say that the venue might be politically problematic, a view that was later endorsed by Eluxolweni who Daniels had hoped would help with the negotiations (Daniels; 13/05/1997).

By the end of the month chinks had begun to appear in Daniel's armour in that his management committee and the Nyanga station members appeared to be mutually critical of each other without progressing as had been hoped. The extent of the Nyanga SAPS' internal consultation process had not convinced Umac/Eluxolweni facilitators and some of Daniels' good intentions had appeared to be floundering **[RD:** May 1997**]**.

On the 1st of October, a PDP field-worker was killed in Zweletsha Drive Nyanga East. Sophangisa had been asked to over-see the police investigation of the incident, as part of his involvement in the Nyanga "sector" policing. His report on the killing did not concur with a report given by Daniels to an meeting at the Cape Town provincial offices the day before which had prompted the suggestion that Daniels was not in close communication with his own station. "Sector" policing had been introduced in Nyanga, combining residents with SAPS and SANDF members in patrolling the areas of Nyanga in the evenings and at nights as a more visible form of community policing. The monitoring of shebeen closing times and youth criminal involvement was receiving particular attention. CMC guards had, by then, been employed during the day to patrol the Nyanga bus terminus and its environs but it had soon emerged that Cata taxi drivers were preventing them from monitoring within the terminus area (Eluxolweni/Umac: Sophangisa; 03/10/1997).

On the 4th November, there was a visit by Prince Charles (of England) to the Nyanga police station to officially open two "trauma" counselling rooms at the station (a

compromise for Daniels' idea of a separate Trauma Centre), one room for rape and family violence victims, and the other for child abuse cases. He also officially opened the CPF office on the premises as both facilities had been furnished and set-up with British ODA funding. The entourage then moved on to the PDP offices for the official handing over of two large containers that had been donated by the British government and partially equipped with a computer and furniture (Greenwell; 04/11/1997).

Rumours that Director Daniels was leaving Nyanga to become Area Commissioner of Police had been confirmed during the last week in November. During the same week Umac/Eluxolweni had hosted a meeting at the Umac offices in Observatory to announce a concept to be work-shopped early in the new year followed by a pilot project in Nyanga for a Community Safety Forum (CSF). The CSF would attempt to bring together representatives from the local CPFs; Correctional Services; Mitchell's Plain judiciary; health, welfare and education ministry; the Secretariat in Cape Town; the CMC; MPs for the area; Nicro, PDP and Ithemba projects; and Nyanga SAPS with a view to mutually beneficial holistic development and security of these services and service facilities in the areas of Nyanga, Philippi East (Brown's Farm and Lower Crossroads) and Old Crossroads (Greenwell; 25/11/1997).

On the 2nd December, Area Commissioner Daniels hosted an introductory meeting at the Provincial offices in Cape Town where he attempted to outline his vision for the future in his appointment and asked the assembled representatives of NGOs, CPFs, and CBOs from the Nyanga, Old Crossroads and Philippi East areas he had just left. He attempted to answer questions but could not be drawn further on the proposed "state of the art" police station for those areas. It had been on the drawing board for the Wetton Corridor Development at the old Portland Cement Works owned by Norwich Union Insurance and was part of a wider development to include a Magistrate's Court, NGO/business offices, a community centre and a supermarket in the area of the informal-settlement of Vietnam which would have to be re-located (Greenwell; 02/12/1997).

Without any prior warning, the SANDF Group 40 HQ base had officially closed its doors, on the 6th December, with a ceremonial parade in the presence of invited guests at only one day's notice to the local council. Col. Swanepoel, the commanding officer, had informed the council that it was due to cuts in the military budget and that, at the same time, Group 39 (based between Paarl and Worcester) had been axed. Councillor Elese reported that Group 40 in conjunction with the police had been instrumental in confiscating one thousand three hundred illegal firearms in the area between Mannenberg and Khayelitsha and that this total was the leading one for the

region. He added that the military had always been quick to respond when called upon to assist and that they had built up a good reputation in the community as more reliable and effective than the police in many instances (Elese; 07/12/1997) **[RD:** December 1997**]**.

1998:

A report appeared in the press, on the 20th January, that;

> Mr. Victor Sam, the alleged Crossroads warlord and taxi strongman, is to appear in the Belville Magistrate Court tomorrow in connection with an incident in which three Gugulethu men were shot in their knees.
> Sam a leader of the Cape Amalgamated Taxi Association (CATA), was arrested last Thursday in connection with the Irish Republican Army-style shooting.
> He has been arrested on kidnapping and murder charges several times in the past but has never been convicted.

In a footnote to the article;

> In February, 1995 Sam was acquitted on 21 charges, including murder and attempted murder.
> A month later charges for allegedly kidnapping two men on the N1 and then murdering them, were also withdrawn.
> During a hearing, the court was told that the abduction had occurred three days after Sam had been granted R4 000 bail on another murder charge (Cape Times: Koopman; 20/01/1998).

By the end of 1998, the situation had remained the same. Sam appeared to be untouchable. Besides escaping conviction, he had sufficient funds to secure top legal representation and to meet increasingly higher bail conditions. It appeared that the police investigation and preparation of cases against Sam had been both incompetent and negligent either by ommission or commission. The sub-heading of the above newspaper article "Witnesses 'fear for their lives'" explains much. Capt. Tikie Theart, Western Cape commander of the elite Special Presidential Taxi Task Team interviewed for the article added; "Many could not be induced to testify, even after being offered 'large rewards'" (Ibid; 20/01/1998). Questions remain as to where the funds at Sam's disposal were resoursed and why was it that his criminal conviction had never been secured by the end of 1998? **[RD:** January 1998**]**.

Since Daniels' departure in November 1997, Sen. Supt. Perry had been deputising as the station commissioner in Nyanga. Perry reported that the proposed new "state of

the art" police station planned for the area at the Portland Cement works was still at least two years away. In the meantime, he revealed that he was considering the former SANDF Group 40 barracks for additional Nyanga SAPS accommodation. He requested assistance with information and statements taken, in late 1994, from residents who had alleged that SAPS members had stood by as their homes were being burnt in what had remained of Section Two of Old Crossroads. Apparently some of the residents had taken their cases to the Human Rights Commission in Cape Town (Perry; 26/02/1998).

Supt. Roberts, reported on the same day that six of the WPG had been arrested on a charge of trespassing at the Ikapa/Crossroads Council Administration offices. In his opinion, the whole group probably numbered approximately sixty members. He said that he suspected that the UDM was gaining momentum along with the PAC and NP in the group. He added that he was aware of the alleged involvement of Nongwe, Ngxobongwana and Gxokwe, and that he would try and find out if there was any truth in the speculation that Conrad Sandile might also be implicated [**4.4.9**: 83 & **5.16**: 126-127]. The telephone rang during our interview and it turned out to be a warning of a possible attack on the houses of the two Old Crossroads Councillors, Depoutch Elese and Melford Gwayi. As a result, SAPS patrols were increased overnight in the area of Old Crossroads (Roberts; 26/02/1998).

No attacks had taken place, according to a telephone conversation with Perry the following day. He reported that the Department of Public Prosecutions had spoken to a meeting of the WPG explaining to them the meaning of the Court Interdict brought against them by the Iakpa/Crossroads Council (Perry; 27/02/1998).

On the 26th February, the Eluxolweni office at the Nyanga Medical Centre building closed and its staff moved to the Umac offices in Observatory. This was not a popular move with many Nyanga/Crossroads/Philippi East residents according to veteran community worker Susan Conjwa who with David Mkhize and Malibongwe Sophangisa had been involved with the office since its inception as a Peace Accord LPC office in 1993. Eluxolweni's close links with the local police station which Sophangisa had maintained and nurtured despite his life-threatening experience with their members during his tenure as interim chairperson of the Nyanga CPF, in 1995, followed by the protracted fictitious rape charge. He had continued to work at promoting both community and police understanding as a committed community policing project agent. The Nyanga SAPS link with Umac was also strong but it would not be as convenient in the future [**RD:** February 1998].

Accompanied by a 1994 General Election EU Observer in the Western Cape, the

researcher in a tour of Nyanga and Old Crossroads had included a visit to the Nyanga police station. In conversation with Supt. Roberts he heard about the current situation in the area and Roberts' impressions of the years of transformation since the election. Roberts reported that members of the WPG were still "sitting-in" outside the Ikapa/Crossroads Council Administration offices, but added that the SAPS and the judiciary had now handed the matter over to the ANC and the CMC "as the police did not want to be accused of taking sides" (Roberts; 03/03/1998).

On the 9th April, a pro-Crossroads Council constituency "toyi-toyi" presented a memorandum to the Acting Station Commissioner concerning the activities of the WPG. The day before, the group had moved from the Ikapa/Crossroads Council Administration offices to the contractor's depot on the development site near Section Four in Old Crossroads, and had been intimidating the builders on site in Phase Three. Meeting with Acting-Director Perry the same day, he reported that he would be returning to head the Nyanga CID when the new Station Commissioner, Director Simon Mpembe arrived, on the 14th April. Perry had nothing to report on the alleged MI back-ground of Gxokwe who was under CIS surveillance. The alleged presence of "Qibla"/Apla youth in the Ikapa/Crossroads Council Administration offices compound on the Saturday before during the Masakhane campaign re-launch was discussed (Perry; 09/04/1998).

23. NEW ERA IN NYANGA/CROSSROADS POLICING:

By the 17th April, building in Phase Four and infrastructure development in Phase Three of Old Crossroads had re-commenced. Meanwhile, according to the Nyanga SAPS, five or six of the WPG members had been arrested on the 16th April, and an interdict had been issued by the Mitchell's Plain Magistrate Court restraining the WPG from interfering with the development programme (Williams, Supt., 17/04/1998).

From a Nyanga SAPS Incident report on Old Crossroads, supplied in April, it related that an arson attack had taken place at B17 of Section Two, on the 17th March. A month later, a similar attack had taken place at H24 Old Crossroads and the next day on the 18th April there had been three cases of arson, two against WPG sympathisers allegedly by youth supporting the council and another against a pro-council activist Monica Williams. There had been an attempt on the life of Sidinana (ANC chairperson in Section Four and ex-mayor). Williams had been arrested on three charges for reciprocal arson attacks, one on the 19th April and two on the 20th April, for which she had been allowed out on bail of five hundred rands in respect of each case (Nyanga SAPS Report; April 1998).

At a meeting with Director Mpembe on the 21st April, the researcher heard of Christopher Toisie's attempt to return to Philippi East to take up residence on plots allegedly allocated to him and some of his supporters, which had caused renewed conflict in the area. Mpembe had shared his assessment of the looming crisis in Section Four and its environs in Old Crossroads formented by the WPG, and the burning of their shacks (allegedly nine). Mpembe had also reported that in a "search and seizure" raid early that morning, five firearms had been confiscated from the "White Office" (PAC meeting place and training centre), two long guns, two short guns and one hand-grenade. He confirmed that the possibility of Conrad Sandile being in the area had arisen and was being investigated (Mpembe, Dir. S., 21/04/1998).

On the 23rd April, Stulo and Kupiso were murdered, and on the same day, attempts had been made on the lives of Elese and Sidinana **[4.3.9: 62-63 & 4.4.9: 84]**. There had followed four further cases of attempted murder (one a police officer) and arson attacks before the end of April (Nyanga SAPS Incident Report; April 1998).

According to Elese, Director Mpembe had held a long meeting at Nyanga police station at which Elese, and representatives from Umac, the PDP, and the Nyanga CPF Executive were present and where it had been agreed that both SAPS and SANDF patrols would be increased in Old Crossroads (Elese; 26/04/1998). By the end of the month, twelve shacks had been burnt-out and approximately fourteen people had been injured since the 22nd of April (Perry; 30/04/1998).

In a letter to the SAPS Area and Provincial Commissioners in the Western Cape, Mpembe described the back-ground to the violence in Old Crossroads as having been between the pro-development and anti-development groupings and that the latter group was "covertly" led by Nongwe backed by Apla youth that were responsible for the attacks. These attacks were alleged to have been mobilised from Site C Khayelitsha with arms and ammunition to re-inforce Nongwe's Cata hit-squad. The pro-development group was led by Councillors "Whitey De Poutch" and Gwayi, who were described as having been on the receiving end of the violence, but that they had not been innocent because they had been retaliating. The police were having to bring the perpetrators to book without taking sides. Quoting from Mpembe's letter;

> 4.4.1. Nongwe's group want councillors De Poutch [Elese] and Gwayi dead or out in their present portfolio's as councillors.
> 4.4.2. Nongwe and Johnson Ngxobongwana, ... must become councillors by force to replace the last mentioned ANC councillors.
> 4.4.3. Nongwe and Johnson Ngxobongwana are the old War-

> lords who had been earning their living through establishing informal settlements and encouraging the rent boycott to the council and in turn the residents in the informal settlements pay rent to them.
> 4.4.4. The development in Phase 3 is therefore a threat to their future and is being diplomatically boycotted.
> 4.4.5. The violence in Old Crossroads is a mechanism of mobilising the masses and canvassing for the 1999 Municipal [General] Election.

The letter went on to list; nineteen arson cases; two murder cases; twenty-two attempted murder cases; and random shootings at night particularly in Sections Two, Four and Unathi Village, and that between the 21st April and the 30th April, nineteen illegal firearms had been seized, two stolen vehicles had been found and fifty-nine mandrax tablets had been confiscated (Mpembe; Letter to Area & Prov. SAPS; 30/04/1998) From the day of his arrival at Nyanga Mpembe had taken firm control of the situation in Old Crossroads and had initially commanded respect from both factions **[RD:** April 1998].

On the 16th May, a workshop facilitated by Umac was held at Llengisa Primary School Nyanga East to discuss the proposed CSF for Nyanga with sparse representation from the wider constituencies of Nyanga, Old Crossroads and Philippi East. The CPFs and RDPs of these areas were represented, as well as the Nyanga Saps, the Correctional Services, the Mitchell's Plain Magistrate Court, the Social Welfare and Health Services and Sanco, with Wecusa and Crora representatives having arrived before the end. The way forward was discussed and an executive committee was formed. The two main issues high-lighted was firstly, the violence being experienced in Old Crossroads, and secondly, the need to address gangsterism in schools. Director Mpembe gave a report on the Nyanga SAPS proposed plan of action in Old Crossroads, as well as Philippi East and Nyanga (Greenwell; 16/05/1998).

The official launch of the Nyanga CSF took place the same afternoon, at the same venue but in the open-air. The constituencies represented were allegedly predominantly from the PAC, Section Four, and the WPG. The latter had called for the arrest of the Crossroads Councillors who they said should have been present. This occurred after an address by Mpembe was followed by a flood of questions. It had been agreed with the Mitchell's Plain public prosecutor that the perpetrators of violence once arrested should not be released on bail. However, the myriad complaints of the WPG to Mpembe had not been considered entirely honest by many who felt that a lot of inaccurate and irresponsible allegations for political purpose had been made there and elsewhere in Old Crossroads (Nyanga CSF Launch: Interpreted by Ntshweza; 16/05/1998).

WPG representatives had visited Dir. Mpembe at Nyanga police station on the 27th May, to complain to him that he had not been impartial. This perception had arisen because perpetrators had still been released on bail despite the decision that had been taken at the launch of the CSF on the 16th May. Mpembe had reiterated his request to them that they should organise themselves so that they would be able to report-back to him formally in future. Meanwhile, he was due to consult with the Mitchell's Plain Magistrate Court as to why suspects had still been released on bail despite the jointly agreed decision taken at the CSF launch that bail should be denied to all the alleged perpetrators of violence in Old Crossroads. Mpembe reported that there had been a lull in the violence since the killing of Thembilane Ngozi (Apla youth leader), and that he was well satisfied with the Nyanga SAPS and SANDF joint operation in patrolling Old Crossroads (Mpembe; 28/05/1998).

On the 30th May, at the AGM of the Nyanga CPF, a new chairperson had been elected and a new executive committee was formed (Sophangisa; 04/06/1998).

Also on the 30th May, at the funeral of Ngozi (in Unathi Village), Ngozi's grand-mother was shot dead and two others were injured. The Nyanga SAPS claimed that they had not been fore-warned of the funeral by the Crossroads CPF nor had they been asked to be present at it. Their absence had caused some consternation between the chairperson of the Crossroads CPF and the SAPS officer in charge, but it had been due, arguably, to a lack of communication **[4.3.9**: 63**]** (Nyanga SAPS: Roberts; 02/06/1998). Roberts had also reported that elsewhere in Old Crossroads forty-five firearms, both legal and illegal, had been confiscated and that there had been fourteen arrests made since the 20th May, but he complained that people had no longer been coming forward with information (Ibid; 02/06/1998) **[RD:** May 1998**]**.

Six cases of arson had been reported over the week-end of the 6th-7th June, and many people had been injured. Three arrests had been made according to the Nyanga police (Nyanga SAPS: Williams; 09/06/1998) **[RD:** June 1998**]**.

Nyanga SAPS statistics for violence in Old Crossroads for the month of July in a report to Mpembe from his Crime Investigating Unit listed under the heading; "The conflict between the Women's Power and a group of people associated [to] the Councillors of Old Crossroads resulted to [in] the report of the following cases" had reflected;

10 Murder Cases (12 people killed).
40 Arson cases.
21 Attempted murder cases.

> 3 Cases of malicious damage to property.
> 3 Cases of intimidation.
> 4 Housebreaking and theft.
> 1 Theft.
> the total cases report[ed] on Crossroads Violence = 82.
> The cases which are on the Court Role are 30
> (Nyanga SAPS Report: Williams; 31/07/1998).

[RD: July 1998].

On the 14th August, in conjunction with the Nyanga CPF and SAPS, Protocol, a new government social welfare initiative against "child-abuse", "family violence" and "rape" was launched at the Zolani Centre in Nyanga. Supt. Roberts, representing Director Mpembe, in addressing the gathering reported that, on an average, thirty rape cases had been reported each week but that it had been estimated that 60% to 80% of rape or child-abuse cases had remained un-reported. After speeches from all the key government role players and representatives of NGOs, the gathering moved on to the Nyanga police station where the two Trauma rooms were officially re-opened and put into operation (Nyanga SAPS/CPF/Protocol Launch: Greenwell; 14/08/1998).

Further to a written submission to the CTCCC on Crossroads, Director Mpembe had appeared at a Public Hearing, on the 15th August, at the request of the committee to give a verbal submission. He described the lack of resources for the police operating out of Nyanga police station in the Old Crossroads and Philippi areas. He stated that the Unathi Village satellite station that had been opened in the early 1990s had had to be closed in 1996 due to the violence. He reported that there were thirty-two vehicles, many of which were in for repair, shared between the two areas which was causing serious problems. He estimated that fifty vehicles and detectives were needed in Nyanga.

In his submission, Mpembe further stated that;

> ... since 1993 there has been no systematic approach to the reporting or recording of information and that subsequent to his appointment this year, 1998, proper reporting of situations and events is taking place. He spoke of "Operation Chaka" which is an improved system of interaction with the Police, with public order policing, crime prevention, information or intelligence and the South African Defence Force and it is co-ordinated through Nyanga. There are six investigators deployed but Director Mpembe feels that ten are needed in order to trace suspects quickly and to make sure that they are detained without bail.

Mpembe spoke also of the need for social up-liftment in projects and amenities to

bring about "social change". He described the "democratisation - a move away from traditional leaders such as Jeffrey Nongwe who was self-appointed" in Old Crossroads, and the "income depravation" Nongwe would suffer with the development of Phase Three which he would naturally oppose. He identified political party rivalry and stated;"... that the forthcoming elections would therefore be a catalytic factor for potential violence". He described how Superintendent Muller, as head of the Crime Information Management, co-ordinated all the information in the West Metropolitan area of Cape Town, and liased;

> ... with military intelligence, and national intelligence regarding gangsters, civic intolerance, violence, Pagad etc. He reports that information is gained reactively, not proactively. Intelligence reports are combined from statistical patterns and crime and incident reports. These are then verified before tabling the final report. The information is ... shared from time to time with the Cape Town City Council and sometimes with the NGO's as reported with the approval of the co-ordinating committee.

Referring to the WPG, Mpembe said that they were predominantly a group of older women and were; "... most likely to be linked to Wecusa groupings and most likely traditionally aligned. ... possibly explaining some of the allegiances that the [WPG] seem to have made" (CTCCC Verbal Submission Report: Mpembe; 15/08/1998).

On the 19th August, at a CSF executive meeting at the Nyanga police station with CMC, ministry, CPF and NGO representatives present, discussions began on a temporary Branch Magistrate Court under the Mitchell's Plain jurisdiction (later to fall under Wynberg). The court would serve Nyanga, Old Crossroads and Philippi East, as well as other neighbouring areas. Two venues to be considered were the Nyanga Art Centre that had been vandalised and the Group 40 barracks recently vacated (CSF Executive Meeting: Greenwell; 19/08/1998) **[RD:** August 1998**]**.

During October the road past the Nyanga police station had finally been opened after many months of its re-building from the foundations. Many months of inconvenience for effective policing had been endured in the knowledge that all the approach roads were being re-built so that vehicle and personnel deployment and swift response would be greatly improved in the long-run. Informal trading stalls had been cleared so that shrubs and flower beds could be planted between the stadium walls and the new road on the approach to the bus terminus **[RD:** October 1998**]**.

A Nyanga police report supplied by Perry (i/c CID), early in November had revealed that Toisie (former squatter leader in Brown's Farm) had been arrested in Philippi East. Siyabulela Khobo had been arrested in Old Crossroads on seventeen charges,

two of which were for murder and he had been released on bail, secured by an Advocate Jantjies (who used to be a magistrate at the Mitchell's Plain Magistrate Court) and backed by Councillor Elese and his supporters. According to the report, Councillor Gwayi's two sons, who were wanted by the police, had disappeared but were alleged to be driving taxis in Langa. Police warrants had been issued for the arrest of both Gxokwe (Unathi Village) and Xolisile Bansi (Section Four, Apla/Qibla youth supporting WPG). Perry reported that Supt.Williams, Sgt. Phillips and Sgt. Swaza were now the investigating officers in Old Crossroads, Sgt. Jupp having asked for a transfer after constant harassment and death-threats. Councillor Elese was alleged to be behind the violence being perpetrated by youth such as, Khobo, Gwayi's two sons and others, including relatives of Elese, alleged to be guarding the Councillors (Nyanga SAPS: Perry; 03/11/1998).

The Nyanga CSF Executive met, on the 4th November, at the Department of Justice offices in Plein Park Cape Town, to hear about the progress that had taken place in the securing of a venue for the proposed Magistrate's Branch Court in Nyanga. Discussion continued around possible venues, and suggested plans for the up-grading of the iSLP office at the Portland Cement Works were submitted to the meeting. Its feasibility as part of the wider plans for the area to include a "state of the art" police station, offices, a community centre and a super-market was agreed upon in principle (CSF Exec. Meeting: Greenwell; 04/11/1998).

A week later, there had been an attempt by Dir. Mpembe to convene a meeting between the CPFs of Nyanga, Old Crossroads and Philippi East, Umac representatives and the Crossroads Councillors to confront the alleged attempt by the Crossroads Councillors to undermine and disband the Old Crossroads CPF unconstitutionally. However, there was a call for the meeting to be re-convened with others invited, such as the MPs for the areas as well as the CPFs being fully represented (Nyanga SAPS/CPFs Meeting: Greenwell; 11/11/1998). This meeting had not been re-convened by the end of the year and with Director Mpembe's appointment to Operation Good Hope early in the new year the Old Crossroads CPF had remained in limbo.

On the 14th November, Mpembe had appeared before the CTCCC committee for the second time, at their request to answer questions, and had been the last person to appear before the commission in a private hearing at the CMC offices at which the researcher was allowed to be present. Mpembe was questioned on his perception of the efficacy of the integration between the Nyanga SAPS and the Police Intelligence Unit. He was also questioned as to whether he considered there might still be elements of the "old guard" among his station personnel who might not be pulling

their weight in the new dispensation and might, infact, be undermining his authority. He did not express any doubts or fears with regard to either question. He relayed his problems in opposing bail applications at the Mitchell's Plain Magistrate Court during which these applications had been heavily supported by the Crossroads Councillors and their supporters, and his concerns that Councillor Elese had been driving Khobo to and from the court. He was informed by Attorney Essa Moosa, the committee chairperson, that on inquiry it had been established Mr. Ncate had driven the accused to and from court. Moosa also advised Mpembe that the new legislation on bail applications was only being applied in Regional Courts and not in District Courts (CTCCC Hearing: Mpembe; 14/11/1998).

Speaking with Mpembe after the hearing, he had intimated that in future he would forward all bail application cases to the Attorney-General's office. He had repeated his allegation that Elese had been behind the violence being perpetrated by his supporters, and had reported that Cata taxis had been patrolling the streets at night in Old Crossroads. He made the observation that since Victor Sam had drawn away from Nongwe in Section Four he had grown closer to the two Crossroads Councillors and re-iterated the allegation that Sam was demanding a butchery, and a garage in the Phase Three business development in Old Crossroads. He mentioned that there had been eighty-two criminal charges brought against Sam but that none had been proven. He added that there was a case pending against Gxokwe, and that the police were determined to arrest him but that he was on the run (Nyanga SAPS: Mpembe; 14/11/1998).

Both a CSF Executive meeting and a CSF General meeting had had to be cancelled in November, defying its hopeful beginning, in a difficult period of transition which had left an unresolved finish to 1998. Meanwhile, building had re-commenced in Phase Four soon after mid-November and the infrastructure development contract in Phase Three looked as though it would be completed by the end of the year on schedule **[RD:** November 1998**]**.

At a meeting with Dir. Mpembe at Nyanga police station early in December, he spoke of his progress in preparing cases for the Regional Courts when opposing bail applications. He shared his concern about the current criminality in Boy's Town, and added that "Eric" (a well-known gang member since 1993) and Councillor Gwayi's sons were being hunted by the police, but he confirmed that Khobo was in prison. He spoke of the resurgence of taxi problems between Cata and the Mitchell's Plan taxis and that he was about to attend a Taxi Task Team meeting on the matter. Mpembe mentioned again his proposed "youth" project that he was hoping to spear-head in conjunction with others (Nyanga SAPS: Mpembe; 08/12/1998). On the same day

Senior Superintendent Perry had expressed his frustration with the poor policing at Nyanga from both his CID members and the personnel on the ground (Nyanga SAPS: Perry; 08/12/1998).

During the second week in December, the Nyanga SAPS held promotional presentations at the Old Crossroads Community Hall; the Marike Centre in Philippi East; the Zolani Centre in Nyanga; and the Mfesane Community Hall in Boy's Town; to prepare and inform constituencies of the Nyanga SAPS' plans for policing over the festive season. The events were addressed by Director Mpembe, or his representative, and other dignitaries, supported by representatives from Protocol and iLita La Bantu explaining their respective roles, accompanied by their media and that of the Gun-Free campaign.

In its Findings on the police involvement in the Old Crossroads violence, the CTCCC had made reference to the Goldstone Report of October 1993, which had;

> ...proved involvement of the Police in crime and also in actively undermining the authority of the the various superiors. The Police personnel are highly demotivated and demoralised and, therefore, would be susceptible to bribery and corruption opportunities. This needs to be taken up as a matter of urgency at both Provincial and National Government levels. In order to ensure the arrest of suspects and successful prosecution of suspects.
> Director Mpembe's attempts at investigation, arrest and prosecution are to be highly commended. His attempts at negotiation with conflicting parties within the communities merit commendation. His attempts to consult with civic bodies and other political organisations requires commendation. His recommendations towards the creation and delivery of recreational facilites need to be given due consideration.
> The Commission finds that 'Operation Chaka' has produced positive results in stabilising Crossroads. Many suspects have been arrested and charged. The level of violence has dropped appreciably (CTCCC Report Findings; November 1998).

[RD: December 1998].

POSTSCRIPT:

1999/2000:

Early in 1999, Director Mpembe had been seconded to Operation Good Hope, and though still Station Commissioner at Nyanga, he had not been able to return to his duties by mid-2000. By the end of the year he had been promoted to Assisstant Provincial Commissioner in Gauteng. In the interim Senior Superintendentt Perry had been acting as station head but he was also seconded for a special investigation during 1999, leaving Superintendent Leamy in charge, until February 2000 when Perry returned for a period. By December 2000, in time for the LGE on the 5th, Director Williams had returned from further training to become the new Station Commissioner. Meanwhile, since Mpembe's departure, policing in Nyanga had regressed to reactive response, incompetent or negligent investigation, and a lack of mutual constituency confidence and trust, so a permanent replacement had been long overdue.

7

CONCLUDING DISCUSSION

In returning to the Introduction to this thesis, the researcher will attempt to re-visit and refer to some theoretical constructs that have been formulated by academics around her perception of the severn crucial issues and influences surrounding development, conflict and crime, alluded to there, that have persisted in Old Crossroads between 1987 and 1998, and have remained the constant pre-occupation of the researcher:

1. Low-intensity conflict, political violence and criminality;
2. Criminology in the context of group dynamics;
3. External and internal political influences;
4. 'Development';
5. The transition to democracy;
6. The responsibility of negotiated compromise;
7. The overlap between Political Science and Criminology.

1. 'LOW-INTENSITY CONFLICT'; 'POLITICAL VIOLENCE'; and 'CRIMINALITY':

The above headings had become 'loaded' with connotations in South Africa during the apartheid years, and persisted through the transformation years until 1998, in the previously disadvantaged areas such as Old Crossroads.

1.1. Low-Intensity Conflict (LIC):

The catch-all term 'unrest' that had been used by liberal analysts and the newspapers during the 1980s, according to Seekings (1986), had been criticised by him thus:

> It suggests a homogeneity that bears little resemblance to the reality of diversity in township protests, and an incoherence that denies the playing out of concrete class interests. It also makes these protests seem somehow natural, sanitising the predominantly white newspaper readership against reality. ... Behind the facade of 'unrest', however, lies a complex diversity of polictical protest ... . The main argument is that the intricacies of each township must be appreciated before generalisation can be made about politics. Mobilisation and acquiesence are spatially specific (Seekings, J; 1986: 4).

However, as Nicholas Haysom has explained, its cause had been socially engineered by the apartheid government to augment a state of LIC:

> The doctrine of low intensity conflict stresses *total war* and incorporates a tactic of *winning the hearts and minds* (WHAM). Low intensity conflict is a solution to the dilemma of destroying popular insurgency without appearing to be waging war directly on the populace. ... One of the central tactics of low intensity conflict is the clandestine creation of surrogate armed forces which appear to emerge spontaneously from *the people.* It is then claimed that [such] groups ... are an expression of popular support or popular rebellion, as the case may be (Haysom, N., in Hansson & Van Zyl Smit (Eds) **3.** 1989: 64).

The apartheid state's direct involvement in the clandestine "creation of surrogate armed forces" that Haysom describes was underlined by the security force's active support of the "witdoeke" action in KTC in 1986; its utilization of dubiously recruited "kitskonstabels" in Old Crossroads from 1990; its tacit support of the Webta taxi-drivers manifested by the partiallity of its security forces during the "Taxi War" in 1991/1992; and more specifically the Webta taxi-drivers' "Big Eight" gang and its subsequent surrogate groupings domiciled in Section Four of Old Crossroads from 1993. All these "vigilante"/surrogates managed to achieve the "black-on-black" violence that provided negative propaganda and succeeded in destabilizing and debilitating civil society in 'black' urban and informal settlements.

Haysom goes on to state that:

> This blue print has been a direct application of the military theories of Andre Beaufre, a French general in the Algerian civil war (The Star, 10 November 1989). Beaufre argued for a military approach that acknowledges the existence of a battlefield extended to include all aspects of civil society, particularly the social and ideological spheres. ... the proper concern of the military should be expanded to encompass the co-ordination of all aspects of civil society (Beaufre, 1963). The dissolution of the boundaries between military and civil society, ... has now passed into the South African political lexicon as *total strategy* in response to *total war* adopted ... as the National Management System (NMS) (Ibid, 1989: 65).

He further explains that during the 1980s, the more practical Vietnam-based counter-insurgency warfare theories of Colonel McCuen (1966) that had been introduced in South Africa:

> The premise is simply that there should be no direct security force intervention, for if the security forces have to intervene in a conflict situation, they have already lost the strategic initiative.
> ... Victory is measured in terms of 'avoidance of outcomes' and 'attitudinal changes' (Miles, 1986: 19). The new generation of

> counter-insurgency experts recognize that the objective is *pacification* of the *polpulation not the territory* (Miles, 1986). Low intensity conflict thus is a war of counter-organization (Ibid, 1989: 66).

Phillips and Swilling elaborate on McCuen's approach thus:

> [It] required the reconstruction of political forces from the bottom up and *not* a comitment to political bargaining or top-down reform. The move from total strategy to active low intensity conflict was between 1985 and 1986, at the time when vigilante groups were emerging (Phillips & Swilling in Hansson & van Zyl Smit **3.** 1998: 67).

In the Western Cape the direct outcome of this had been the adoption and adaptation of this theory as the "oilspot" strategy attributable to Ulrich Schelhase of the Western Cape Provincial Association which was put into operation in Old Crossroads in 1987 [**5.1**: 67-68]. At a preliminary interview with the TRC, Schelhase in explaining the use of the term "oilspot" based on the "McKewan" [sic] theory describes it as:

> The moment a drop of oil falls on the water the oil spreads because the oil is lighter than water ... if you stabilise this area, you get the cooperation of the people - people to understand and reward them with - what any kinds of rewards fall in your definition of rewards, then the chances are that the attitude and the approach will then smooth over and affect the other areas ... hear that those guys get the things that they ask for. ... a clinic, ... a school (TRC Interview with Schelhase, U., 21 May 1997).

In explaining the tenents of the "oilspot" strategy to Dr. Ramashala at the TRC HRV KTC Hearings in June 1997, Schelhase described it as an operational model:

> And if the model dictates that we have to reward people, communities or sections of communities that are non-violent, that collaborate with the system, then that section or that community, their needs must be answered to. If they have got specific needs we must provide those needs. That was one of the pillars of the Oil-Spot Strategy.
>
> Dr. Ramshala:. Very positive toward the so-called Witdoeke.
> Mr. Schelhase: Yes Ma'am ... .
> Dr. Ramshala: ... sweetheart deal attitude shared with all structures of the Joint Management Centres?
> Mr. Schelhase: Of course Ma'am.
> (TRC HRV KTC Hearing; 11 June 1997, Transcript: 13-14).

In order to implement this oilspot strategy in Old Crossroads the state through its CPA agents identified "strongmen" of the squatter leadership whose interest in power and

tributes/rents disposed them to work with the state (albeit an illegitimate state) to provide them with the power/resources they sought, and in turn provide their followers with better access to urban resources, basic as they were. Migdal has provided an analytical model that illustrates this;

> ... within which the patterns of accommodation that includes strongmen can be located. ... as a triangle that includes firstly the actual implementor of the state policies that impinge upon the sphere of influence of strongmen, secondly politicians operating in the national political arena and high level state administrators, and thirdly strongmen (Migdal, J. S., 1980).

Prior to 1987, Johnson Ngxobongwana had established himself as the "strongman" in Crossroads with a cohesive network of communication and consultation within the increasing influx of squatter communities he served. He had often been at variance with the state in endeavouring to stabilize and improve their livelihood. Ngxobongwana had been consulted by the state and their SLP development agents, and had successfully negotiated for the allocation of land for squatter-settlements, the installation of water taps, refuse removal and "night-soil" collecton in these areas (van Heerden, J., 25/10/1999). As Graaff and Mathe have explained;

> Two closely linked sources of power were the allocation of land, and the payment of monies. Squatter leaders had control over where people lived in the community. New entrants were required to pay a "membership" fee, and the leader then indicated to them where they could stay or build a house. In principle, then, the leader had control of who entered the community ... . membership of the community entailed the payment of various fees to the leader (Graaff, J., & Mathe, V. 2000: 10-11).

With the establishment of the UDF, the division between the squatter communities and the state had become deeper with the majority of the squatters refusing to move to far-flung areas such as Khayelitsha (du Toit & Gagiano, 1995: 4).

During the pre-1986 Group Areas Act era both Ngxobongwana, his henchmen and his followers had become implicated in petty crimes (such as allowing illegal residents to live under his jurisdiction). He himself had been imprisoned on a corruption charge and while in prison agents of the state were able to coerce and eventually co-opt him as part of their agency. The emergence of the *witdoeke* Ngxobongwana's paramilitary vigilante group had marked the beginning of insecurity in his territorial tenure. From a relatively benign "shack-lord" serving his people, he had become what many perceived as a "warlord". However, Graaf and Mathe quite rightly challenge this term as inappropriate while providing three definitions of it and vigilantism;

> In the first, warlords and the vigilantism which goes with it are symptoms of a breakdown of law and order, this is mafia-style freelance violence. In the second version, warlordism represents the fragmentation of government into independent centres, almost a refeudalization of society. In the third type, warlordism is a version of clientelism found in many Third World countries (Graaff & Mathe; 2000: 3).

They go on to say that;

> It implies a military power base, independent of, and strong enough to challenge, central government (...). It is reminiscent of feudal lords who negotiated from a position of strength with kings ... . And it implies a necessary state of civil war for their existence (Ibid, 2000: 4).

and later qualify this in local South African terms;

> ... "larger-than-life" figures came to prominence and thrived in a situation of civil disturbance, not least because they could call on state security resources to back them up, their existence predated and survived that time. ..., their existence was dependent on a particular squatter logic rather than "war". For all of these reasons, "shacklord" is a better term than "warlord" (Ibid, 2000: 4).

Ngxobongwana had no long been challenging the state but instead had become its puppet and tool at the same time enjoying its protection. For him time had been running-out unless he could forge stronger supportive links with the apartheid government, which after the witdoeke attack on KTC in June 1986, and by 1987, he had successfully secured. His war-lord image grew with reports of his strong-arm tactics as Headman in Old Crossroads, his committee members (also Local Authority Councillors) collecting illegal rents and levies on his behalf, and running his own illegal court under the benign eye of the state's Local Authority and their supporting Security Forces (van Heerden, J., 25/10/1999). His autocratic style and sometimes violent methods, the growing mis-trust of his close links with Ulrich Schelhase, the Town Clerk, and his patronage rewards had lead to disillusionment and division amongst his headmen/committee.

The state/patron having succeeded in seducing their squatter leader/client had turned a blind-eye to his criminal exploitation of his position in Old Crossroads. They allowed him to pose as a landowner, distribute plots, gather rents, service fees and special levies and punish residents in his presumed area of jurisdiction. The state had understimated the effects of their patronage, their client's greed and the anger and resentment amongst the majority of his squatter constituency. Events had overtaken

the local authority and its agent and a compromise had to be reached with their perceived new squatter-leader/client.

By late 1989, the divide between Ngxobongwana and his committee chairperson, Jeffrey Nongwe, had become complete and led to armed conflict in which both sides resorted to wide-scale criminal behaviour.. The position of the Town Clerk, the mayor and the Crossroads Council had become untenable. Ngxobongwana and his followers were forced out by arson attacks and fled to Driftsands (and later to Green Place opposite Delft) leaving Nongwe as the new "strongman"/"shack-lord" to challenge the administration of Old Crossroads and claim the government patronage.

Nongwe's insider information, as chairperson of Ngxobongwana's committee, a member of his witdoeke vigilante group and party to the collection of rents and levies from the squatter communities in Old Crossroads, had fanned the growing discontent and questioning of the final destination of these funds. "According to Nongwe, his attempts to forewarn Ngxobongwana of his declining popularity fell on deaf ears" (du Toit & Gagiano, 1995: 8). Ngxobongwana, described as far more intelligent and not as ruthless or cruel as Nongwe, was also described as "greedy" and "arrogant", substantiating his traditional approach to patriachal rule which did not include financial concession to his cabinet or chairperson (Schelhase; 11/10/1999).

Dissent among the constituencies around the housing issues, the fraudulent use of funds collected for legal fees, and the Town Clerk and Council administration, had prompted Nongwe with the backing of the majority of Ngxobongwana's committee members to opportunistically seize power;

> Soon the two veterans of the *witdoeke* war against the UDF were locked into a tit for tat battle using the familiar methods - guns and arson (du Toit & Gagiano; 1995: 8).

Nongwe had then assumed the mantle of the state's perceived local leader to be wooed by the Local Authority and guided by Andries Wessels the new state agent on behalf of the new Town-Clerk, "Tollie" Thorpe. The oilspot strategy was said to have ended in 1990 (Schelhase, U., 11/10/1999). However, the state's Local Authority policy of manipulating their client and his committee member/Councillors via patronage had remained the same. The infrastructure development for 'site and service' facilities had now become the pawn. The Security Forces had continued to target ANC youth activists with harassment such as, violent 'search and seizure' operations, criminal threats and arrest on trumped up charges as confirmed by Ferdi Barnard during questioning at his TRC Amnesty Hearing (TRC CCB Amnesty Hearing; 29/09/2000). Meanwhile, Nongwe had been harbouring criminals from the Taxi-War in 1992, from

whom he had formed his body-guard known as "the Big Eight". Their number had increased and some had become Councillors soon to be joined by youth from the area to oppose the ANC Youth being organised by Depoutch Elese. The Big Eight vigilantes spear-headed the arson attacks on Sections Two and Three of Old Crossroads in 1993, without the Security Forces intervening (Goldstone Commission on Crossroads Report and Findings; October 1993). Sporadic violent conflict had continued with Nongwe attempting to remain in power with both his followers and his political "masters" in the shack-lord era.

When state policy shifted to representative government in 1994, the role of the strongmen was no longer needed. Consequently, the strongmen did all they could to frustate the process of democratization, at very least to slow down the process using crime and violence to avoid the loss of their power and income, as had been evident with the illegal WPG protest and sit-in in 1998. A further strategy was to use invasion tactics of houses designated for other users thereby trying to prolong their neo-patrimonial rule. As a "strongman" Nongwe had failed his original followers and these had dwindled as his ruthlessness and cruelty instead of enlightened leadership had emerged. His on/off relationship with the local authorities in Old Crossroads had left residents mistrustful of his agenda, and his short-temper and recourse to violence exposed their mutual insecurity. Uneasy in his leadership role with the arrival of democracy, he had demanded the obedience and respect of his clients for whom he had no patronage in return. His lack of intellect and insight had limited his ability to adapt and form appropriate alliances to further the welfare and development of his constituencies and further his own cause. Age had been against him and the wisdom to change a losing formula had evaded him.

Schelhase's opinion of Nongwe had not been conducive to a working relationship, and his own personal problems in Old Crossroads had compounded his transfer. However, he rated the "oilspot" strategy for Old Crossroads as a success;

> ... because of the circumstances that had erupted in 1986, after two years of conflict. It became a battle for turf between the leaders, only later the cloak of 'politics' was hung on it. It [the strategy] did not pacify other areas but between 1986 and 1990, development did take place (Schelhase; 11/10/1999).

The faces of the strongmen may have changed but the pattern of social and state engineering had essentially remained the same in areas like Old Crossroads despite the gradual emergence of democracy and civil society renewal in post-apartheid South Africa. The oilspot strategy had only succeeded as a strategic extention of colonialist paternalism. It had continued to perpetuate the apartheid policy of 'divide and rule'

while constituencies grappled with their newfound rights and responsibilities

South Africa had not declared war, however, the success of the apartheid state's NMS's criminal manipulation of "Low-intensity conflict" destabilization of the urban and informal-settlements of Old Crossroads from 1987-1996 was complete. The state had sponsored or condoned, or its functionaries had perpetrated criminal acts in its futherance (eg., the witdoeke) to the extent that it proved counter-productive in terms of any socio-economic "development" which its "oilspot" strategy had purported to foster. T he collective sincerity of such an outcome must remain in doubt positive though Ulrich Schelhase's personal commitment might have been. He left a situation of what Haysom described as "counter-organization" in which the local authority had no legitimacy and little leverage to continue an abortive criminal strategy.

1.2. Political Violence:

Besides describing the inter- and intra-group conflict in Old Crossroads, perhaps it has helped to locate the existence of ongoing competition between individual human beings and their membership of disparate groupings within a specific constituency rather than the more all-embracing "homogeneous" whole or mass. However, Skinner has drawn attention to the "social identity theory" of Tajfel and Turner which has pointed to inter-group rather than interpersonal and individualistic relations that,

> ... enter the psychological situation not just as different individuals but socially constructed images, eg., representations of the 'other' as potential political enemy - or, if that is too strong - at least as partial representatives of antagonistic social or polictical groups. ... this proposes that people, are not merely passive but actively understand and act on situations and actions ... are imbued with the social representations and ideologies emergent from power struggles in the larger social formation. Pain, suffering, defeat and its counterpoints, oppression, violence and brutality cannot be grasped clearly without viewing them as social actions mediated by complex sets of social interpretations (Skinner in Manganyi & du Toit; 7. 1989: 215).

Although Skinner had been discussing the above in a context that had included detainees, the same essential group solidarity in socially constructed images has surely applied.

The term "violence" conjures for the researcher, a spectre of the physical manifestation of oppression, brutality, anger and fear, that cannot stand alone in the context of the events that had been experienced in Old Crossroads. It could not have been described as mindless "violence" for the sake of violence. In a film directed by Wim Wenders a police detective when asked to define violence had replied, "Fear, lack of love, revenge", which has perhaps provided a more persuasive response.

The term "political violence", however, can embrace the whole gamut of socio-political and -economic violence, that has pervaded the physical/physiological, spiritual/cultural and oppressive/intimidatory psychological effects that have, for example, affected the individual as a member of the human family in the urban and informal-settlements of Old Crossroads since 1976, when the first informal-settlement there had taken place. All these violent influences had been perpetrated by the state and the security forces in support of the squatter-leadership in competition with the youth, and the political parties they had represented, and had been indivisable as a part of the cohesive whole.

Swartz et al., have argued that,

> All psychological discourses are inherently political in the sense of raising questions of power; ie., the theory, method and the language in which they are expressed are not neutral frame-works within which we allow the data to speak for itself. Rather, such discourses embody sets of ideological meanings which define the research terr-ain and ultimately the relevance of the research findings (Swatz, L. et al., in Manganyi & du Toit (Eds.) **8.** 1989: 239).

The same surely can be said for criminological discourses.

Ulrich Schelhase had admitted that prior to the "witdoeke" conflict in 1986, he had been aware of meetings between Ngxobongwana and "... the security forces, special branch, riot unit members such as Barnard, Dolf Odendaal as well as the South African Army, Western Province Command Group 40", although he had not been present at these meetings. From 1986 to 1990, Schelhase dealt personally with Ngxobongwana while Sam Ndima, a respected elder, committee member and close adviser, had been the link with the security forces (Schelhase: 11/10/1999). He agreed that the attack on the satellite camps had been in the interests of the Development Board, and that in the process the security forces had wanted to rid the place of what they called "comrades" (Schelhase; TRC HRV KTC Hearing: 11/06/1997, Transcript: 3-6) **[5.1]**. Schelhase further admitted during questioning;

> Dr. Ramshala: ... in fact the police. security forces and perhaps your department could have prevented these attacks?

> Mr. Schelhase: We did not go to much trouble to try and prevent it.
> (TRC HRV KTC Hearing; 11/06/1997, Transcript:10).

This admission along with further evidence submitted had high-lighted the fact that, during the KTC "witdoeke" conflict in June 1986, members of the security forces had been present and had done nothing to prevent the attack in support of the witdoeke;

> When KTC residents attempted to resist the attack, the police used gun-fire and teargas to drive them off. The police in their armoured caspirs stood by while witdoeke advanced past them into KTC and started burning under their noses (Kahanovitz, S., TRC HRV KTC Hearing; 10/06/1997, Transcript: 10).

"The Rev. John Freeth: 'It was clear that the witdoeke were operating under police protection'" (Cape Times Editorial; 11/06/1986. The references above referred to the conduct of the SAP's Riot Squad (later the ISU/ISD), who in conjuncton with the Security Branch had remained the main protagonists of the NSMS/NMS policy and its essentially criminal "oilspot" strategy. The witdoeke had been allowed to operate as a vigilante group of agents of the apartheid state's criminality to crucially divide the rival community constituencies of Old Crossroads for the years to come.

> Vigilante violence, reported locally and internationally as *black on black* violence, seems to justify the police presence in the townships on the grounds that the residents have a racial propensity to internecine strife. ... the destruction of organizational opposition to the state is accomplished without the intervention of the security forces, and without the same public outrage that would result from brutalities committed by the security forces. ... label does obscure the connections between this type of violence and the system of apatheid (Haysom; in Hansson & van Zyl Smit (Eds.) **5.** 1998: 75).

and further;

> Vigilantism operates in tandem with other repressive practices, it is part of a multi-faceted strategem to create moderate black politics. The State of emergency '... provides a legal regime in terms of which the townships can be pacified (Haysom; 1987: 145).

From 1987, the commander of the Nyanga police station had sat on the mini-JMC in Old Crossroads, at which top-ranking SAP officials from the JMC had often been present, along with SADF representatives from Group 40 and MI officials. The Nyanga SAP had provided the local law-enforcement as a reactive unit, and gathered information about know acivists in the area to be brought to the mini-JMC meetings (Hubbard, Supt., 02/11/1999).

As a Constable straight out of Pretoria Police College, Hubbard had joined the Nyanga station soon after it opened in October 1986 with a staff of twelve policemen, and two commissioned officers among four white "motivated" policemen. He became Station Commander six years later; "young and still very inexperienced" his staff had by then grown to two hundred and thirty. He described the station's role as unaware of the "oilspot" strategy but concentrating on day-to-day law and order enforcement often compromised by the arbitrary interference of outside SAP units involved in "search and seizure" operations, investigations, harassment and arrests of political activists or "comrades". These outside units had the licence to ignore accountability or the negative policing image of their aggressive and often brutal methods. Describing the SAP's policy of postings, Hubbard said that it had become common knowledge that, "... the cream of the crop" were posted to locations like Nyanga;

> ... dronkies, policeman with alcohol problems, or other disciplinary problems and ... maybe the policemen were not very interested in working too hard (Hubbard; 02/11/1999).

In a submission to the 1993 Goldstone Commission, Hubbard had assisted Lieut. Grobler of the Unathi SAP satellite police station in describing the controverisial role of "kitskonstabels" in Old Crossroads. A submission that had been "very frowned on" by the SAP authorities because it had implicated police involvement in the political tensions and violence that had taken place.

From 1986, the number of shooting incidents in Crossroads had risen "astronomically"; "... common knowledge that these special constables were involved in the violence after hours". One of them arrested at Nongwe's home had a firearm identified in several cases of violence. "It was obvious that they were being used with their firearms after hours". They had abused their privileges, but lived in the same area as the "strongmen" and were vulnerable to intimidation and coercion. Few had been prepared to give evidence against them, as witnesses had been "taken out" and others had escaped to the Transkei. According to Hubbard "kitskonstabels" had been phased out during 1995. They had been absorbed into the SAPS as fully-fledged Constables and by now some of them could be Captains. The influence they might have had on others at the police station in support of Nongwe had been limited by the language but a handful of Black detectives had probably been involved; "... sure it did take place" (Hubbard; 02/11/1999) **[6.4. & 4.4.l: 45]**. Gagiano and du Toit described their induction;

> ... into the townships that were drawn from the township populations themselves - to root the force in the people - in the hope of

> trying to overcome widespread resentment against the police. When the battle between Ngxobongwana and Nongwe erupted, Blue Lines (representing the neutral role of the state as protectors of the violated and keeper of public peace) were posted at both their houses. Our interpretation of events is that the two strong-men quickly manoeuvered the Blue Lines into partisan combatants ... recruitment procedures ... allowed them to offer their own sympathisers as trainees ... rather than reduce conflict ... tended to enhance it ... (du Toit & Gagiano; 1993: 8 & 9).

By burning-out the residents of Section One, Nongwe had not only secured the removal of Ngxobongwana and his followers but had also conveniently cleared the area for the local government authority development. Nongwe had placed himself in line for state patronage **[4.3.1: 38-40]**. Angry with the tenants of the "White houses" in Unathi Village (Phase Two) whom he regarded as "Ngxobongwana's people", Nongwe had initiated arson attacks by his committee members supported by off-duty "kitskonstabels" (Elese; 13/10/1999) **[4.4.1: 69]**.

SADF patrols had been deployed, between the informal-settlement areas of Boy's Town and Sections Two, Three and Four, and the Unathi Village council housing, in an attempt to control the arson attacks on the perimeter "white" houses (Unathi Village council housing) late in 1990. It was common knowledge that soldiers from parked buffels in these areas bought drugs, alcohol and the services of women from the informal-settlement areas while on duty. The SAP's ISU, meanwhile, had been carrying out regular "search and seizure" operations against known ANC youth activists. Depoutch Elese, having been forced to move to Unathi Village from Boy's Town had been the main focus of these searches. Such searches had been unlikely in Nongwe's Section Four, as allegedly a "no-go" area since the Taxi-War period of 1991/1992.

The researcher had been introduced to Old Crossroads in 1991, when a group of angry and frightened women had come to the Black Sash Advice office in Mowbray seeking advice and assistance. Their problem had appeared to surround an internal inter-group community issue that had threatened their security and had infringed on their social right to be fully informed on what had been patriachically discussed and decided upon in their constituency without their consultation. A patriarchy that had emanated from a squatter-leadership style of rural tradition that had over-flowed into an opposing brutalized and embittered faction of rebelling youth. The ANC Peace Commission had begun their investigation and intervention into the situation, and as human rights monitors we were able to arrange an introduction and meeting between the group of women and members of the commission. The outcome of this had been the constitution of an Old Crossroads branch of the ANCWL, and the voice of women

there had subsequently begun to re-establish itself and gain some legitimacy. The researcher had, as a result, become gradually more enmeshed in the situation and conditions of life in Old Crossroads by listening to the experiences of individuals at the hands of the state and its security forces. This had lead to 'statements' having been taken from some of them on what had been the abuse of their human rights by members of the SAP in search and seizure operations sometimes leading to arrest, and at times their involvement in 'violence' against individuals, as has been described earlier in this thesis:

> ... Attributions concerning the effects of political violence on the individual psyche cannot be viewed separately from assumptions researchers hold about the relationship between social factors and psychopathology ... . Young (1989) outlines 4 major assumptions implicit in the discourse of stress;
> (i) That it is possible to understand society on the basis of its observable manifestation;
> (ii) That the basic unit of society is the intentional individual;
> (iii) That society consists of a summation of actions of the individual:
> (iv) That social behaviour can be understood mechanistically in terms of cause and effect.
> ... By using a mechanistic concept of cause and by de-emphasising particular contexts in favour of universalist models of explanation, dominant stress discourse tends to naturalize the social and political significance of violence. By focusing on individual stress responses of any symptoms the discourse also individualizes the process. Naturalization and individualization play an important role in the reinforcement of beliefs in the immutability of existing social arrangements (Young, J.; in Manganyi & du Toit (Eds.) 1989: 239-242).

Already divided by a class structure between the urbanised and the informal-settlement residents of Old Crossroads, there had been a further divide between those with and without employment in both areas. The socio-economic needs of this constituency had not been sufficiently addressed by the apartheid state. Some attempts had been made to attract small industry to the neighbouring area of Philippi Industria but this had probably been without sufficient inducement and intent to off-set the adverse residue of insecurity that had surrounded Old Crossroads since the violent up-rising there in 1986.

From 1992, the researcher had perceived what, to her, had been an interesting phenomenon as the history of Old Crossroads had unfolded. Contrary to expectation, it had not necessarily been the informal-settlement residents who had spear-headed the council protests and political activisim surrounding the development, or lack of development, issues, but it had more often been the women from the urban area of Unathi Village who had been in the fore-front, albeit allegedly in support of, or

manipulated by, the squatter-leadership. Could it have been that these activists had a conscience? They had benefitted from the last sizeable four-roomed council houses that had been built in 1990.

Jeffrey Nongwe's leadership style, as had Johnson Ngxobongwana's before him, had been charismatic but the fact that it had also been contaminated by intimidation, had been common knowledge. The rebellious youth, who had allegedly escaped from Jeffrey Nongwe's brutal and autocratic regime in Section Four during 1991/1992, in order to join the more democratic youth structure and leadership in Unathi Village, had been given shelter there by women activists allegedly at the request/direction of the youth activists in their area.

Manganyi and du Toit, themselves, have described how 'political violence' differs from other forms of violence as having claimed "moral or public 'legitimation' for the injury and harm done to others" and that this has embraced "the 'representative' character of the agents and targets of these acts of violence". This, they have suggested tends "to raise basic and complex questions about the very 'legitimacy' of the political order itself". They have delineated the "burden of justification" for violent disruption of the "normal order" as having to be carried by the "perpetrators" but, "if that 'normal' order is in fact itself a form of structural violence, then violent protests or even revolution can more readily be legitimated as a species of self-defence":

> Both the links and the tension between the descriptive sense of 'violence' and the normative charge of 'violation' are relevant: The literal sense in which physical violence means the carry of extreme and injurious force against a person's body is different from, but also related to, the essentially normative notion of the violation of a person's integrity as a human being (Manganyi & du Toit; 1989: 6-7).

The above theme has been usefully pursued by Degenaar, in the same volume, in having explored the descriptive use of psychological violence and the normative meaning of personal violation, and further having explained 'structure' as a set of relationships (Degenaar in Manganyi & du Toit (Eds.) **2.** 1989: 76 & 78).

It goes without saying, that Old Crossroads like the innumerable other urban and informal-settlements of the black suburbs in South Africa had been suffering from the structural violence perpetrated by the apartheid state until 1994, and its residue of socio-economic and psycho-social effect had remained for many years. The journey toward the re-structuring and rehabilitation of civil society in Old Crossroads had begun but still had far to go by the end of 1998. The major casualty had been had

been the 'youth', who had grown-up in the shadow of an archaic de-socialized and criminalized form of rural traditional leadership and, too often, absentee emasculated/disempowered male parent role-models, on the one hand, and those of oppressive state agents on the other. They had been brutalized by State oppression that had included a sub-standard education with minimal, if any, sporting development or recreational opportunity, and constant repression at the hands of an aggressive and sometimes brutal security force. Young people had had to learn how to survive before they had left childhood. They had had no access to paper-rounds, washing cars, running errands or any other normal means of earning any honest reward outside the home. They had had no honest access to possessions, and in homes without any bread-winner, even the recourse to daily bread had been scarce. Petty theft and minor infringement of the law had become a way of life for many, and for the more audacious and embittered among them criminality had followed. In 1993/1994 in Old Crossroads elements of the youth still attached to the squatter leadership in Section Four had been used and manipulated as under-age perpetrators of violence and material gain under the wing of their seniors in the Big Eight gang. The latter vigilante group of Webta taxi-drivers had provided protection for Jeffrey Nongwe since the taxi-war of 1991/1992, and had operated on his behalf in perpetrating the arson-attacks that had enforced the removal of residents from the Sections Two and Three of Old Crossroads with the support, and on behalf, of the CPA/local authority backed-up by the security forces in 1993.

The above traumatic event, similar to the one that had taken place in 1990, by the same role-players, when removal had been enforced on the residents of Section One, had appeared once more to have been considered 'legitimate' political violence by the state. The preceding and ensuing violence to both these crucial events had become more personalised as part of the socio-political power-struggle in the area when yet again the state's security forces had appeared to favour the state's chosen puppet. It had been a power-struggle that had taken on the cloak of party political posturing with Nongwe still having flown the ANC flag over his shack home in Section Four, but at the same time having appeared to have sheltered under the PAC shadow of many of his followers in opposition to a defector from his committee who had established himself as the SACP leader in Boy's Town in 1993.

Meanwhile, the opposing youth structures in Unathi Village and elsewhere in Old Crossroads had been being educated and organized on the more democratic ANC ideological policy and procedure since Depoutch Elese, a MK soldier had been infiltrated into the Crossroads informal-settlements to politicize the youth and enlist them as ANC comrades in 1989. A youth movement that had begun in 1985 when they; "The Cape Youth Congress" (Cayco), a UDF affiliate, began asserting

themselves in Crossroads, independently from Ngxobongwana's system (du Toit & Gagiano, 1993: 4). Their purpose had been to disrupt and challenge the State whilst politicizing their constituencies encouraging dissent and revolt against the enforced social system. "Comrades" had become the target of the State's security forces as well as the squatter-leadership as Schelhase revealed at the TRC HRV KTC Hearings:

> Dr. Ramashala: Would you say that it was in the interests of the Development Board for the attack on the satellite camps to occur?
> Mr. Schelhase: Yes Ma'am.
> Dr. R: Would you also say that it was in the interest of the security forces for these attacks to take place?
> Mr. S: I don't know Ma'am.
> Dr. R: Well you are aware that the security forces wanted to rid the place of what they called comrades?
> Mr. S: I assume so.
> Dr. R: ... important for them to isolate the existence of comrades in these areas and get rid of them?
> (TRC HRV KTC Hearing; Transcript, 11/06/1997: 6).

During the life-span of the "oilspot" strategy in Old Crossroads, the state's criminal intent had applied to Elese who was repeately harassed by security force searches and negligent SAP investigations of charges he requested them to investigate, and by a criminal case brought by them against himself [6.4: 152-153, 7: 156-158, 11: 164-165].

Elese's relationship with the military at the Group 40 HQ, in contrast, had been good throughout. He described them as accessible and willing to patrol at night when tensions had been high. It appeared to have been a "good cop, bad cop" situation with the military available to Elese, and the police to Nongwe. Elese's period in the National Defence Force, had not been as congenial. He had experienced problems and frustration, along with other MK members with constant delays in the integration process, and rank and salary procedures with his personal files going missing on six occasions (Elese; 13/10/1999).

Finally, du Toit in discussing "political violence" has suggested that;

> ... assumed that the maintenance of internal order is a primary value for the regime, whose uses of power are to be understood in terms of its responsibilities 'for remedying economic deprivation, for resolving conflicts arising from competing goals and ideational systems, and for maintaining and reinforcing the dominant ideational system of a society ... theoretical analysis of political violence, which is so centrally concerned to provide a motivational explanation for collective action against the state, assumes that there is no need to provide any

> motivational explanation for violence by the state ... Political violence essentially amounts to the 'abnormal' disruption of the 'normal' order, and the latter is closely identified with the function of the state (du Toit in Manygani & du Toit (Eds.) **3.** 1989: 103).

"Political violence" as the outcome of the apartheid state's criminal strategies followed by the challenge to autocratic squatter-leadership by the widespread introduction of the tenets of democracy and the transformation of the local government authority and security force/services have proved complex and often controversial in Old Crossroads. Membership of formal political parties since 1990 has, in the case of squatter-leaders been opportunistic in search of status and reward at the expense of the socio-economic empowerment and the reorganization of civic groupings in rehabilitating civic society.

1.3. Criminality:

"Criminality" is defined as, 'the state or quality of being criminal' in Collins' dictionary. In Old Crossroads criminality had touched families, institutions, the provincial and local authority's administration, as well as the security forces alike, having inhabited a situation and condition of abnormal human existence. The apartheid social structure had determined boundaries that had demanded to be broached in order to secure survival, let alone any well-being. The black African socio-cultural mores of the past had been eroded and dissolved by the totality of the South African ethnic divide. The shades of moral judgement had become blurred and had seldom reached beyond Kohlberg's assessment of the 'Conventional level (stages 3 and 4)' (Jordaan, Jordaan & Nieuwoudt II 1975: 720).

Based on the evidence she has gleaned from a decade of observation, and distilled from encounters and interviews, the researcher ventures to suggest that for the constituents of black suburbs such as Old Crossroads, their role-models had been the wealthy white employers whose factory/business labour needs they had served or whose opulent homes they had kept pristinely clean, if they had been fortunate enough to have found employment. For them and the disadvantaged others, who had lived far-removed from the average ambivalent white perceptions, in their black urban or informal-settlements their role-models had been their regressive patriachal traditional squatter-, or progressive youth-leadership, alongside the state's oppressive local government reinforced by a repressive security force system. From the human temptation of the fortunate's employment situation to the psychological and sometimes physical abuse of their home environment, a relationship of bitterness and resentment had been engendered that had, for the most part, remained perilously

internalised. Successful divisions had been engineered along urban-rural, class and ideological lines by the state in the latter constituencies that had resulted in externalised interpersonal, intra- and inter-group rivalry and conflict. This had served to promote the perception of "black on black" violence that had, in turn, justified the state's reciprocal oppressive and repressive response.

In Old Crossroads the squatter-leadership from, 1987-1996, had been both brutal and corrupt and from 1990, the youth who had remained under Jeffrey Nongwe's jurisdiction in Section Four had become an integral part of the criminal violence perpetrated under his influence during the 'forced removals' of 1990, again in 1993, and during similar incidents after that had been condoned by the criminal negligence and/or intent of the state's local authority and security forces that had often been in attendance. The employment of "impimpis" (police informers) and "kitskonstabels" from the ranks of the squatter-leadership supporters had ensured an unholy alliance of dependency that had entrenched the anger and division between the constituencies. The PAC aligned youth group that had allegedly been trained and armed in Old Crossroads by Elvis Malambo Gxokwe after his release from prison in 1994, had provided the criminal support system that had been vacated by members of the 'Big Eight' gang who, in the new political dispensation, had dispersed to more legitimate roles and allegiances. By the time of Mr and Mrs Nongwe's serious car accident, the activities of this youth gang had become progressively more un-disciplined and self-seeking, which had been confirmed to the researcher by some of the key female Nongwe supporters who complained that the youth in Section Four had been "out of control". Nongwe himself had later complained to the LPC office about the behaviour of the youth of whom he had apparently lost control. Meanwhile, the youth in Unathi Village and elsewhere in Old Crossroads who had come under the pro-actively democratic ANC influence of Depoutch Elese had become more responsibly organized and disciplined, and had been actively encouraged to seek non-violent means for settling interpersonal differences and mediating in intra- and inter-constituency conflict. But without a comprehensive education, any extra-mural opportunity, or any gainful employment having been available, even some members of the latter grouping had resorted to criminality after 1994, when socio-economic conditions had not appreciably improved. The same year Elese had been called-up with other MK members by the SADF to join the National Peace Keeping Force at the start of their integration programme and transformation into the SANDF. This had left a vacuum for the youth in Old Crossroads allowing some to continue campaigning for the LGEs in 1996, but allowing in others a more 'creative' form of self-sufficiency to emerge from a still sterile employment situation.

However, as Moore has been quoted in suggesting;

> ... that the problem of constructing a basis for political judgements is one of avoiding the extremes of 'decaying moral absolutisms and prevailing forms of relativism'. The problems of an absolutist stance are clear in the positions of those who are hostile to the ANC's engagement in negotiation. ... predicated on the idea that some kind of work[er]ist or Africanist utopia is the necessary, desirable and logical outcome of South African history, and that it onl y requires obstructionist leaders to give way to more militant ones for this process to unfold (Moore, B., in Hyslop, J., 1986: 183).

Apartheid state criminality in its socio-economic oppression, education deficit and security force neglect and repression of its citizens had facilitated and fostered endemic criminal behaviour in under-privileged areas such as Old Crossroads. Criminality that had not been consistently and efficiently or impartially investigated by the police and by extension the judiciary. Hardened apartheid state vigilantes such as Victor Mbulelo Sam had avoided criminal prosecution. By 1994, Sam was alleged to be a police informer and thus apparently inviolate. He was assasinated in October 2000, and it remains to be revealed as to whether his alleged young killer who faces prosecution, after several other such arrests, will avoid the law and replace Sam as a state client. It will take many years of committed and authentic widespread transformation to rectify these criminal state strategies and promote a more normalized society. In line with the researcher's contention that criminology should not only be concerned with individual crimes and patterns of crime the second issue to be addressed is the criminological impact and influence of disparate group conflicts in the fragile balance of power that has existed in Old Crossroads over the past decade.

2. CRIMINOLOGY IN THE CONTEXT OF GROUP DYNAMICS:

In setting an aspect of the group criminological scene in South Africa, Scharf and Ngcokoto have recorded that,

> dominant ideology is that the adjudicative hierarchy is run by a group of impartial professionals interested in justice for its own sake. In a particular case like that of South Africa the perception of the disenfranchised majority may of course be quite different.
> Populist notions of democratic justice tend to be characterized by a frank acceptance that the decisions in collective tribunals, courts, street committees, people's advisory committees, people's courts, ... should express the moral/political will of the most powerful collectivity within the particular consistuency at a particular time. ... assuming that such courts do rule on the basis of a larger measure of consent rather than coercion (Scharf & Ngcokoto in Manganyi & du Toit (Eds.) **13.** 1989: 343).

Both 'coercion' and 'co-option' as the entry point to criminal involvement had appeared to have become the norm in the African urban and squatter-leadership, as a result of the apartheid state. The paternalistic dependency on survival engendered by the latter patron on their client constituencies had depended, in turn, on the agency of co-opted squatter-leadership patronage to coerce and co-opt 'creative' clients to comply with securing the state's policy and needs assisted by its own security forces.

Charney has explained the "patron-clientelism" that existed between the state, local government authorities and strongmen as:

> In poor unequal societies, the inadequate resources left for subordinate groups and the state's limited institutional capacities mean it must deal with dominated groups via local-level middlemen. These brokers dispense favours and keep control through patronage ties to clients in the subordinate groups. In clientelist relations, bonds of personal dependency are based on the exchange of essential goods and protection for obedience or labour power. ... When clientelist resource manipulation no longer sufficed, petite bourgeois patrons mobilised men on neo-traditionalist lines in a violent bid to restore stability (Charney, C., 1991: 8-9).

In Old Crossroads in 1987, as part of the state's special "oilspot" theoretical system, the net had been cast by the local CPA patron, or Town Clerk, in securing the co-option of Johnson Ngxobongwana (successfully 'turned' whilst in prison) [**4.2**: 31 & **4.3.1**: 38-39]. Ngxobongwana's "clientship" within the "patronage" of the NSMS and its "oilspot" strategy in Old Crossroads had begun and continued throughout his troubled tenure as leader in the area (Schelhase; TRC HRV KTC Hearing, 11/06/1997). du Toit and Gagiano have described Schelhase's role thus:

> ... he was a bureaucrat on a long rope. He was allowed considerable descretion in his dealing with Ngxobongwana ... The 'tough guy' top-down style of his predecessors had failed and he knew that he could only keep Ngxobongwana on board if he recognized the autonomy of his domain. After all, ... he was representing a weakening state in search of new souces of strength.

And explaining the relationship that had developed between Schelhase and Ngxobongwana as:

> Ngxobongwana's apparatus of social control is embedded in the traditional tribal codes of Xhosa and Schelhase realized that he would have to adapt if he wanted to function effectively in his role. He was initiated into Xhosa manhood, ... he was accepted as a tribal member and proceeded to the

> status of *sangoma* (a traditonal diviner). This allowed him to move between two different systems of rules, which strengthened his authority and the decisions that emanated from his office. Ngxobongwana, for his part, became something of a bureaucrat - influencing and taking decisions about the size and the siting of schools, creches, community halls and allowed discretion in the disposal of administrative largesse. ... each grafted their own strategic designs onto one another's motives (du Toit & Gagiano; 1995: 7).

As Scharf and Ngcokoto have gone on to explain, the legacy for this had remained from the times of colonial conquest and rule in South Africa that had not necessarily destroyed the existing institutions of the conquered Africans, especially if these institutions had served their purpose. Tribal chiefs had been retained on the colonialist's terms and their function had been re-framed to suit the administrative system needs of "white rule". Chief's Courts had been given jurisdiction to deal with "intra-African 'private' law", and Commissioner's Courts for public law and for 'private' law matters within the townships had been set-up, but because of the apartheid laws that these had administered the African public had, in the main, not used them voluntarily (Scharf & Ngcokoto in Manganyi & du Toit (Eds.) **13.** 1989: 343).

It had been common knowledge that "Chief's Courts" had existed in Old Crossroads at the instigation of both Ngxobongwana at his home in Section One and Nongwe at his home in Section Four in Old Crossroads where they each had, in turn, assisted by their committee members meted out and implemented punitive punishment to offending constituents.

In 1986, within the changing social dispensation for squatters, Ngxobongwana's coercion and co-option of other squatter-leaders and their followers into the vigilante "witdoeke" grouping had served the needs of the state in clearing squatter areas for development, and at the same time, by dispersing the "comrades" whose growing interference and influence the state had recognised and feared. State sponsored criminalization had become endemic in Old Crossroads. During the Taxi-War in the early 1990s, members of the SAP ISU had been deployed at the Nyanga Taxi/Bus Terminus where their alleged partiality in guarding the Webta taxis' corner and allowing it to encroach without securing the Lagunya taxis on the other side, and the SAP escort of arrivals and departures of Webta taxis, had been noted and reported on by NGO monitors. The reluctance of the police to close the terminus before the final outcome of the Black City informal-settlement area burning as Webta drivers left the terminus supported by police, on the 20 February 1992, had defied reason. Widespread allegations that some, predominantly Webta, taxis had been owned by white

CPA and police officials had remained unproven, and the Goldstone Commission that followed had failed to pursue these enquiries or report further on their findings. S tatements taken from victims alleging police involvement were not acted upon. The suspicion that again a vigilante group had been manipulated by the state to destabilise the emerging political challenge had survived [6.5 & 6: 153-155]. Similar statements, taken during the violence during the forced removals in Old Crossroads in 1993, had been forwarded to the Goldstone Commission enquiring into those events but again no action was taken against the police alleged to have been implicated [4.3.4: 44-48, & 6.8: 160]. The policing of the Buntubakhe Ndemane murder case, in 1992, had been criticised by the researcher [6.7: 156-158]. A police success had been recorded the following year in the Ndinisa Elese murder case [4.4.4: 74-75, & 6.8: 161], but an abduction case brought against Nongwe and implicating SAP members, in which the wider connotations of police involvement in "Black on Black" violence had been allowed precedence, and had been dismissed [4.3.4: 45-46 & 6.10: 162-163]. The State still had need of its client; the NSMS and its "oilspot" strategy had still been in operation in Old Crossroads; or, alternatively the police had simply continued to operate in their former mode, knowing no other. Their ultimate harassment of Elese, had come later in 1993, with his arrest for murder along with two others [4.4.4: 71, & 6.11: 164-165] which had smacked of the NMS-style need to discredit and neutralise comrades/political activists, as described by Ferdi Barnard during his cross-examination at his TRC Amnesty Application Hearing (TRC CCB Amnesty Hearing; 29/09/2000).

Still in the early 1990s, within the changing political dispensation for the previously disenfranchised, Nongwe's coercion and co-option of Webta taxi-drivers and members of his committee into the "Big Eight" vigilante grouping (which had subsequently grown in number), besides having secured his own political position, had again served the needs of the state in effecting the "forced removal" of the Sections Two and Three constituencies of Old Crossroads to Lower Crossroads and elsewhere in 1993. The remaining residents of Section Two, who had resolutely refused to move, had continued to suffer armed arson attacks until Nongwe's power-base had eroded in 1996.

Meanwhile, the new ANC government's lack of recognition of the role played by the former "comrades" in finding alternative employment for what had become community-based ANC Self-defence Units (SDUs), IFP Self-protection Units (SPUs) and PAC Task Force members since 1990, had resulted in disgruntled militarised youths whose frustration and disillusionment had led in many cases to their resorting to crime in or outside vigilante groups. According to Scharf, "By 1992, many 'used their power and sense of immunity to help themselves to goods and opportunities

through illegal activities'" (Scharf, 1997: 9). In the Western Cape a reluctance to leave their old life-style and lack of interest in NGO training to become security officers plus the suggestion of a need to undergo trauma counselling was noted (Khalane & Tait Interview 29/05/1997, in Scharf; 1997: 11). Children and young people in general had not had a normal childhood and often had to supplement the family's survival with scarce honest labour, or antisocial/criminal material gain. Manipulation of the "youth" (traditionally anyone under thirty-five years) had been tacitly allowed by the state in the activities of the "Junior Big Eight" and the "Apla Task Team" and Qibla/Apla youth gangs (allegedly trained and armed by a previous council employee/CPA agent) **[4.3.6**: 54**]**.

Director Daniels' arrival as Nyanga Station Commissioner in 1996, heralded an attitude of proactive peace-making amongst the security forces, the NGOs, the CBOs and the CPFs serving Nyanga and its environs. By 1997, two youth empowerment projects had started operating. In Nyanga/Crossroads the German funded PDP opened, and in Philippi East a parallel police funded project, "Ithemba", was launched by Daniels in May. Addressing "sensitivity" issues, a crucial component of attitude change being undergone by the Nyanga SAPS as part of their transformation training, Daniels made provision, in his up-graded station, for a two room Trauma Centre for processing and counselling rape, child abuse and family violence victims **[6**.22: 1192-193**]**.

In 1997, the SANDF Group 40 HQ closed, but joint patrolling with the police for the Nyanga/Crossroads "sector" policing had continued **[6**.22: 192-193**]**. The proactive opportunity offered to Group 40 in matching the NGO and SAPS "youth" empowerment and decriminalization initiatives had not been grasped. A PRO presentation in June 1995 had signalled their intention to pursue a policy of "Organisation", "Stabilisation", "Normalisation" and "Growth" but had little to show for it. The presentation had resonance with the WHAM component of the NSMS installed nationally in the 1980s, and in conjunction with its "oil spot" strategy in Old Crossroads from 1987.

In 1998, further arson attacks had been fanned by the WPG, supported by Qibla/Apla Task youth, who had been coerced by the traditional squatter-leardership to challenge the local councillors and interfere with the housing development which had been legitimately removed from their control in the LGEs. This had resulted in reciprocal attacks by some of the pro-council supporters. Criminality had remained the resource for restitution but it had ultimately been rectified with the assistance of the CTCCC on Old Crossroads by the end of 1998.

It appears that diverse groupings in Old Crossroads have been manipulated by state and local power structures and/or their cohort/clients as a means to their own criminal strategic purpose of 'divide and rule', rather than the genuine socio-economic improvement of their constituencies. The physical effects and psychical affects of this strategic policy will be explored and reflected upon in the third issue to be high-lighted in this discussion.

3. EXTERNAL & INTERNAL POLITICAL INFLUENCES:

The external political influences of the apartheid state have already been focused on enough in this thesis but from the psychological perspective Skinner has commented as follows;

> In showing that oppressors will never be completely successful in silencing people, one can draw attention away from the ways in which people are muzzled. It is a delicate balance. Politically one must point to victimization without making people merely victims. Analytically one must reconcile social determination with the fact that people determine their own fate (Billig in Manganyi & du Toit (Eds.) 7. 1989: 229).

In terms of internal political influences, Seekings has persuasively identified, within a "Marxist framework", the theory of urban social movements (USMs) first conceptualised by Castells (1977 & 1983) and pursued by McCarthy (1985) in having suggested that these USMs "... are defined not by their composition or their practices, but by their demands, which effect social change". He has gone on to explain that these USMs seem to revolve around three imperatives;

1. Demands based on collective consumption, that is goods and services directly or indirectly provided by the state.
2. Defence of cultural identity associated with and organised around a specific territory.
3. Political mobilisation in relationship to the state, particularly emphasising the role of local government ([Castells 1983: xviii] in Seekings 1986: 6 & 7).

The above scenario had been particularly relevant in Old Crossroads where the fight for the nurturing and survival of the squatter constituencies had been championed by a traditional patriarchal style of leadership inherited from the rural areas that these disenfranchised residents had forsaken in search of employment. The leadership's (Johnson Ngxobongwana) bargaining with the local Bantu Administration authority to secure social survival amenities for the growing number of squatters had created a mutual dependency between that leadership and the local constituencies that had created an uneasy reciprocal relationship between that leadership and the state. A

relationship that had become cemented when Ngxobongwana had been 'turned' and the local authority had been re-structured by 1987. The Old Crossroads Administration had been installed to impliment the "oilspot" theory that had then been designed to attempt to neutralise such trouble-spots and through which the state's patronage of their perceived squatter-leader had become entrenched. A pattern that had been repeated when, in a power struggle, the old guard had been replaced by the new (Jeffrey Nongwe) in 1990.

However, Seekings has criticised Castells' concept for having remained rooted in "structuralism" that had arisen "from the fiscal crisis of the state", as it had endeavoured to channel a self-sustaining workforce "of capitalist relations of production, and of the political, social, and cultural system that enables sustained and stable capital accumulation". But Seekings has maintained that, "Castells talks of a 'generalised urban crisis in housing, services and social control' in capitalist cities. USMs emerge at points of conflict over these activities of the state ... he continues to pay insufficient importance to the process of struggle". "Struggle", that Seekings has suggested requires us to appreciate;

> An understanding of township politics must explain how diverse grievances are generated, as different contradictions are experienced differently by different residents. These are likely to give rise to diverse forms of political practice, most of which will fall under the broad category of 'acquiescence'.
> ... to conceptualise political practices in terms of what can be termed 'dynamics' ... generally be multiple, alternative, overlapping and inter-locking (Seekings 1986: 7 & 10).

Dynamics that had importantly included group-dynamics in Old Crossroads during the period under review. From 1990 onwards, with the release from prison of Nelson Mandela and the unbanning of political parties, party politics had begun to take root country-wide and Old Crossroads had been no exception. The constituencies there, already divided by the joint state and local urban and informal-settlement leadership issues, had become further divided along party political, often opportunistic, lines and co-habited uneasily until the first democratic General Election in 1994.

Ngxobongwana had posed as a member of the PAC (although allegedly not a card carrying one) and remained so when forced to leave Old Crossroads but when his tenure in Driftsands was challenged by the ANC and even questioned by his PAC followers, he moved to Green Place and 'came out' politically as a member of the NP. Deposed as mayor of Old Crossroads in 1993, he had had nowhere else to go but into the arms of his former master/allies in order to survive as a squatter leader whose access to site and rent revenue, development "reward" and power status had been

critically curtailed **[4.2]**.

Nongwe's political allegiance, meanwhile, had again appeared opportunistic as the ANC chairperson in Old Crossroads from 1990;

> He needed wider support if he was not going to be brought to heel by an astute adversary who had the added advantage of being the mayor of Crossroads. He found it by embracing the ANC: 'I needed help and they gave it to me'.
> He unilaterally founded a ANC branch in Crossroads. The ANC realizing the symbolic value of bringing Schelhase's "oil spot" success into their fold, accepted despite the fact that their newly found comrade was *witdoeke* commander in the episode which saw the UDF stronghold, KTC camp, burnt to a cinder by the *witdoeke* barely four years earlier (du Toit & Gagiano, 1995: 8).

With Mandela's release and the unbanning of the ANC in 1990, a distancing from the local government authority had become prudent in which Nongwe's political position could become a bargaining chip.

However, the shift towards democracy promoted by the ANC with the infiltration of a MK youth leader, Depoutch Elese, to inform and politicize the communities of Old Crossroads, had presented a serious challenge to Nongwe. Nongwe's leadership style had been far from democratic and based on the same rural traditions of surrogate tribal chieftanship practised by his predecessor patron/client of the NP government's patronage. Angered by the political threat from outside, and the youth revolt from within his ranks in Section Four, he had re-kindled the conflict and in conjunction with the state's agents instigated further "forced removals" of residents from Sections Two and Three in 1993. These arson attacks, spear-headed by Nongwe's body-guards/"Big Eight" gang after a split in Nongwe's committee ranks with the defection, amongst others, of Amos Nhyakhatya to form a branch of the SACP in Boy's Town, had intensified and led to the Goldstone Commission of Enquiry later in 1993 **[4.3.4**: 44-48**]**.

Elese's political activities and his criticism of the SAP at the Goldstone Commission Hearing, in which he alleged their inaction or involvement in some of the violence, the ISU's agressive behaviour in search and seizure operations; and that SAP units had favoured Nongwe, may have prompted the criminal charge instituted against him by the SAP soon after **[6.11**: 164-165**]**.

The Commission having diffused the situation had diverted the attention of the role-players to the forthcoming first democratic General Election in 1994, which had united the constituencies of Old Crossroads behind their respective ANC

chairpersons, Nongwe in Section Four and Elese in Unathi Village. Divisions in the constituencies from the problems with the previous administration had to be contained within the changing political climate. The CPA, a bastion of the NP, and its agents had not changed having managed to coerce and co-opt their new client Nongwe whose politically correct allegiance to the ANC had presented a bargaining chip with the local government authorities, alongside the youth challenge and its alternative ANC branch. The murder of ANC activist, Buntubakhe Ndemane, at a community/council meeting allegedly by a Councillor had compounded the community's anger with the CPA administered Crossroads Council. Allegations of intimidation by Councillors and Council workers had followed, and a joint Nongwe/Elese headed mass march to the Administration offices had presented a memorandum of demands resulting in the CPA's eventual suspension of the Crossroads Council [**4.4.**3: 71-72 & **5.**6: 102-103].

Elese's success in both the ANC candidature in Old Crossroads, and in the LGE poll in 1996, had contributed to Nongwe's decline from power and because of his violent and disruptive reputation no reputable political party had been prepared to offer him sactuary or financial subsidy. The loss of rents and levies from the areas that had been laid to waste, had allegedly been replaced by criminal extortion by his extended 'Big Eight' body-guards, their 'Junior Big Eight' counterparts later to become the more autonomus PAC aligned youth 'Apla Task Team' gang in the area.

In the LGEs in Old Crossroads, a predominantly ANC Council headed by the two ANC Councillors, Elese for Ward C17, and Melford Gwayi for Ward C18, had been elected. Andries Wessels remained as the interim Acting-Town Clerk having replaced "Tollie" Thorp in 1994. He was responsible for orienting them in their duties, informing them on the economic reality of the local authority's function and the finance available for development. The local government administration could no longer ignore the local RDP, and other ANC Alliance structures, that had sought to introduce more public consultation and participation in the planning to implement housing development in Sections One, Two and Three of Old Crossroads, but they first had to overcome the paternalistic bureaucracy and political stalling of their NP/CPA patrons, the NP having retained Provincial power in the LGEs.

The CPA had maintained its liaison with the previous squatter-leadership (Nongwe, Ngxobongwana, Gxokwe and Conrad Sandile), and Wessels and the iSLP had offered covert support for Crora, their alternative development forum, constituting a direct threat to the authority and function of the new Council and the above democratic structures. The CPA had tried unsuccessfully to have the RDP disbanded but both the local and regional Sanco and Wecusa structures joined the ANC Alliance in

supporting the council. Wessels had to reconcile his desire to remain working in Old Crossroads by re-aligning his allegiance to the legitimate Councillors and Council [5.12: 116-120].

The Western Cape had remained in the hands of the NP and its Democratic Party partners in the Democratic Alliance (DA) in the LGEs of December 2000. The DA dominated Uni-City of Cape Town external influences promised to be even more of an uphill struggle for the two ANC Ward Councillors in Old Crossroads. Internally, both faced challenges from their unsuccessful ANC candidature rivals who had chosen to stand as Independents in the LGEs, thus further cementing division within both ANC branches. These and other malcontents will be open to renewed coercion and co-option to destabilize the socio-economic potential and building development yet again in preparation for the next General Election. Such are the blessings and pitfalls of under-developed democracy without enlightened orientation and committed societal guidance. The issue of 'development' as the pivotal catalyst of this thesis, having looked at the criminal strategies and political influences that have informed it, will be confronted next.

4. 'DEVELOPMENT':

> The ideology of sustainable development must surely include the intention that processes for development will not engender divisive conflicts in communities or the wider society, or exacerbate existing or potentially violent circumstances. ... [The] assumption of a range of politicians, community leaders, and well-meaning technocrats that development will be the catalyst, or at least the necessary precondition for 'peace'. ... [A] Catch-22 has emerged ... that there can be no development without peace and there can be no peace without development (Bremner & Visser 1995: 1).

At the heart of both external and internal political issues and influence in an African urban and informal-settlement area, such as Old Crossroads, had been the priority of basic needs "development" for the constituents. The ideal of "human development" covering the socio-economic need for employment and material survival, the psycho-social need for education and self-fulfillment, the physical need for housing and security, and evolving from these the psychic need for a moral belief and value system for the future in the state of "human being", had not yet been perceived holistically.

Continuing in their discussion on the "Failure of Development Modes and Models" in South Africa, as well as elsewhere, Bremner and Visser categorized the approaches to development which have historically been based on sustaining capitalist growth in the

first-world. These they suggest had 'trickled down' to South Africa where the failure of its own apartheid policy of 'separate development' could be equated with the similar failure of "the 'development as growth' model [Wisner 1989 pg. 14], which informed the Western/capitalist development aid schemes of the 1950s-70s". Schemes that had ensured the enrichment of first-world countries at the hands of third-world "cheap labour", and the exploitation of their "raw materials". According to Schrijvers, White South Africa had embodied the Western industrialised world in considering itself the "ultimate civilization",

> ... so the dominant development policy was to stimulate Western, capitalist economy as the basis of prosperity and civilization. This conception of development leads to polarisation and bipartition which are a breeding ground for violence (Schrijvers in Bremner & Visser; 1995: 1 & 2).

The success of the National Party in the1948 election in South Africa, had led to the passing of three legislative pillars of apartheid; "the Race Classification Act, the Mixed Marriages Act and the Group Areas Act" (Ormond 1985: 14). This legislation had entrenched the physical and psycho-social divisions that had, in essence, remained until the first democratic election in 1994, although restrictions had begun to be lifted in 1990, with the release of Nelson Mandela from prison and the unbanning of the Africanist political parties. In those early years, these physical and psycho-social divisions had allowed for a first-world development of the white suburban areas which had been heavily subsidized by the state in terms of housing, education, health, welfare, and social amenities, encouraging capitalist industry and business development and ensuring their racial superiority. In the early 1950s, a bill had been passed, by a simple majority in Parliament, for the removal of the Coloured community from the common roll which, despite challenges and the minimal amendments that had then been made for the Cape Coloureds, had led to their final disenfranchisement in 1960. Shortly before, "the Promotion of Bantu Self-Government Act of 1959", had been passed, "which laid the legislative foundations for self-governing and 'independent' homelands" (Ormond 1985: 15).

In the Western Cape, the Coloureds and Africans had been removed from District Six in Cape Town and all the suburbs nearest to the City. The Coloureds had been moved to the outer perimeter, to reside in a hurriedly built belt of Coloured suburbs with their own schools and scarce social amenities, beyond the city's 'whites only' golf courses and the oldest African Township of Langa and the Coloured Township of Athlone that had already been established for the increasing non-white work-force. Further out, on the road to the airport, the already established African Township of Nyanga had been joined by another, Gugulethu, and both these areas had been augmented by the

squatters who had begun to arrive from the homelands seeking employment, in the 1970s. All these non-white areas had, in the name of separate development as a deliberate attempt to suppress their socio-economic advancement and to serve only the white supremacist needs, suffered from under-development in an essentially "Basic Needs Approach" (BNA) to development. A BNA that Bremner and Visser have described as having "focused on the eradication of basic socio-economic ills such as inadequate water, shelter, sewerage, health care, and illiteracy" that had also failed world-wide (Bremner & Visser; 1995: 2).

It had only been with the realization that the more literate work-force and spending-power of the Coloured communities had become increasingly important to the regional economy, that a policy of 'Coloured preference' in employment had been introduced during the 1980s. At the same time had come improved development opportunities in order to woo the Coloured constituencies in the changing political climate of partial representation that had been constituted with the Coloured House of Representatives (considered illegitimate by the majority of the coloured constituents) being instated alongside the existing white parliament's House of Assembly. The three-tiered structure of state development expenditure had continued to ensure that the white constituency had lived in the style to which it had become accustomed, while there had been appreciably lower expenditure on the Coloured constituency's needs, but infinitly lower expenditure on those of the African constituency. This had ultimately contributed to the non-white cultural, psycho-social and political divide between the majority Coloured and the growing African immigrant constituencies. Meanwhile, the Whites for the most part had remained purposefully isolated in their socio-economic achievement.

As Friedman has elaborated, after 1985, for the first time Regional Service Councils had become committed statutory institutions for the allocation of resources for African urban infrastructure development. This form of "urban development" had become government strategy as a key element of its National Security Management System in its attempt to neutralise militancy in the townships. "Development" had been seen as a strategy to win the support of township residents for stability and to deprive "radicals" of their support base. This had led eventually to the acknowledgement that beneficiaries should participate in development decisions and should be represented by people of their own choosing. However, what had emerged was that while improved facilities had been a necessary condition for development they had not been sufficient. Friedman has concluded that;

> The test of development, therefore, is not only whether it provides facilities but whether it unleashes processes which enable

> the recipients to develop the autonomy they need to participate effectively in the social and economic life (Friedman 1993: 1-6).

The apartheid government's "oilspot" strategy in Old Crossroads had undoubtedly fulfilled the above criteria via Johnson Ngxobongwana (the urban and informal-settlement leader) and the CPA's local administration authority under Ulrich Schelhase, from 1987 until 1990. Jeffrey Nongwe, who had forced Ngxobongwana's removal had then become the focus of the local authority's attention under a new administrator. By then the anger and mistrust of the various constituencies against the local authority's development agency had consolidated and government funds for further housing development had virtually run dry. This deficit in funding had resulted in the CPA's development agency the SLP having provided planning for the cheaper option of infrastructure for 'site and service' development to accommodate the ever-growing number of informal-settlers, but both state structures had apparently turned a blind eye to the fact that Nongwe had been persuading, or enforcing, the removal of his constituents with the promise of a return to brick-houses. The ensuing conflict and dissent that had arisen from the further divisions that had emerged in the various constituencies meant that any further infrastructure development had been deemed inadvisable.

Prior to this, planning and implementation of the infrastructure for Phase One of Old Crossroads had begun in 1987 on state land allocated for housing development, but this serviced land had then been sold to private developers. Purchase of this housing had been financially out of reach to the squatter community causing them anger and disillusionment with their Mayor (Ngxobongwana) and the Crossroads Council (Ngxobongwana's committee members) both of whom had been informally "elected" under the auspices of the local administration authority in 1988. The reward of social amenities as part of the "oilspot" strategy had followed in Phase Two, along with hastily planned infrastructure development, and the designing and building of provincially owned and council administered housing in return for a nominal rent to placate some of the registered squatters (Schelhase; 11/10/1999 & van Heerden; 25/10/1999). The corrupt and unfair distribution of these houses subsequently became a major issue of contention between the state's role players, their agents and the squatter communities (van Heerden; 25/10/1999).

As Bremner and Visser have noted,

> By the time the 1990s arrived, 'negotiation' as an option for social change had become not just a political imperative, but a prerequisite, along with the concepts of empowerment, consultation and mandate, for working on development with communities. Hence, the experiment with 'negotiated development' (Bremner & Visser; 1995: 2).

Officially the apartheid government's "oilspot" strategy in Old Crossroads had been brought to a close in 1990, according to Schelhase who maintained that he had no further involvement in the administration of Old Crossroads. He described the SLP as an extension of what had begun as the Urban Foundation (later to be denied by van Heerden; 25/10/1999), and as an agency of the CPA that had evolved from a "storm water scheme" started by Colin Appleton in Crossroads in 1986, but abandonned when fighting broke out only to return in 1989/1990 (Schelhase; 11/10/1999; van Heerden; 25/10/1999). There is no doubt in the researcher's mind that the covert criminal dynamics of the chosen strategy for the area had remained in the hands of the CPA and its agencies. Thorpe had followed as Acting-Town Clerk and administrator of Old Crossroads until 1994, his duties entailed working with the council members and their administration of council affairs. Meanwhile, Wessels had become the CPA's go-between with Nongwe, their new squatter leader/client. He would have negotiated with Nongwe in 1990 for assistance in moving residents from Section One. In his view the removals had gone well, but that Nongwe had made false promises by saying residents would return to "brick houses" in three months time (Wessels; 10/12/1999). CPA funding for Old Crossroads had provided for the SLP's development of infrastructure and "site and service" facilities only for the remaining informal-settlement areas (Schelhase; 11/10/1999).

Supported by his Webta "Big Eight" body-guards, by the end of 1992, Nongwe had bargained his way back into the local government authority's patronage. He again assisted the CPA with the "forced removal" of residents from Sections Two and Three with the same unkept promisees and ruthless methods in 1993 **[5.8: 104-106]**. However, the "creative" criminal clearance of these Sections had not secured any further development due to ongoing conflict and the CPA's perception that there could be no further development without peace in the area.

The Goldstone Commission of Enquiry on Old Crossroads began in June 1993 **[5.9: 106-107]**. Its findings, in the opinion of the researcher, had apportioned too much blame on the squatter-leadership of Nongwe and none on the role of the local government authority/CPA. The commission had again failed to address the issue of the apartheid state's criminal involvement in reinforcing the violence and intimidation. The government agents/clients, by implementing and enforcing the removal of residents from permitted areas of informal-settlement without securing their re-settlement had further divided, alienated and brutalized the constituencies of Old Crossroads.

The NP government had not prevented squatter leaders, such as Ngxobongwana and

Nongwe, from collecting rents and levies for plots in the informal-settlement areas although this land was owned by the CPA (van Heerden; 25/10/1999). It had been part of the "oilspot" reward system to turn a blind eye to this patronage which had nurtured resentment, jealousy and charges of corruption from their constituencies. The NP government/CPA through its local authority had done nothing to divert the youth of Old Crossroads from a potential life of crime. No attempt had been made to encourage or accommodate them in extra-mural development skills, occupational activites, or structured recreational pursuits.

The legitimacy of the local council and it councillors had begun to be continually challenged and the absentee mayor, Johnson Ngxobongwana had finally lost his official position in 1993. At the same time, the Old Crossroads Council had been suspended until a representative interim Transitional Council had been installed after the General Election of 1994 to supplement the local government authority's function until the LGEs of 1996. In the interim, the SLP had become the iSLP, and as its new prefix 'integrated' had proclaimed, it had attempted to justify its existence as a regional quasi-government structure. It had broadened its consultancy by appointing local based agents in an endeavour to gain local legitimacy in future 'negotiated' development planning. Meanwhile, the installation of a local RDP structure had also attempted to widen the participation of constituencies with representation from the civics, the political parties, the CBOs and the peace structures, for informed consultation and decision-making over the future approach to more 'negotiated' regional and local government development planning and implementation in conjunction with its local authority.

The ensuing problems that had arisen have been usefully identified by Friedman as, "the *who,* the *what* and the *how*" dynamics that have surrounded the concept of "negotiated urban development". With regard to the "**who**", he has pointed out the danger of collating all constituents' personal views in the term "community" and that, "The claim that development is being negotiated with 'the community' cannot, therefore, be taken at face value" (Friedman 1993: 2). Justifiably, this had posed a very real problem in Old Crossroads where divisions had historically been so pronounced, and had been further compounded as the party political arena had, for the first time, democratically piloted candidates into the LGEs. These individuals had then, also for the first time, to represent as Councillors all the constituencies of Old Crossroads on the local Council as the legitimate local government authority. It had followed that a crucial dissenting voice (the PAC) in the area had refused to be represented on the RDP. This had led some of their members in conjunction with both the previous informal-settlement leaders to set-up an alternative development forum, Crora, in Section Four of Old Crossroads. This forum had apparently still had

access to the CPA's local agent and development agencies, which had threatened to disrupt and jeopardise the official local authority's development planning. As Friedman has pointed out in explaining the "**what**" problem that had been experienced in 'negotiated urban development', "... agencies are usually geared to offer only a particular product - bulk infrastructure, sites, housing finance, etc., ... there is limited scope for switching to a more appropriate 'product'" (Ibid; 1993: 62). In Old Crossroads the development agencies employed by the CPA to effect the government's "oilspot" strategy had remained in waiting for commissions from the local government agents in favour of the status quo but they had been used to delivering packages of such products on demand with little, or no, consultation or consideration having taken place with the local client/recipients. In order to be competitive in the new dispensation they had had to concede to community consultation and become part of a negotiation team consisting of all the major local role-players. The "**how**" problem, that has been refered to by Friedman, in which,

> ... community participation processes often begin only after projects have already been designed: the process is not an attempt to ascertain priorites but to gain acceptance for an already assembled package. ... all agencies have specific 'products' to 'sell' - and are not in a position to respond should beneficiaries identify a need for something else (Ibid; 1993: 34).

Still young, Elese had been elected as a Ward Councillor in the first democratic LGE, and was soon appointed to the Cape Town Municipality (CTM) Amenities and Health Standing Committee and to the Cape Metropolitan Council (CMC) Human Resources Standing Committee. Intelligent and clear-sighted, but totally inexperienced and unskilled with the minimum of training in civil administration from the ANC, he had taken up the challenge with enthusiasm and dedication. He was passionately committed to the development of infrastructure and housing in the previous informal-settlement areas.

Infrastructure and building development had begun in Old Crossroads during 1997. By November, the first houses had been built in Phase Four but not without problems from an alternative development forum formed by Nongwe and his ex-Wecusa supporters **[4.3.6**: 54 & 7: 58, & **4.4.7**: 80-81**]**. Threats on his life from the PAC, and growing jealousy and criticism amongst his own ANC branch members had consolidated by the end of the year **[4.4.8**: 81-82**]**. A serious car crash at the end of the year had absented Elese from his coucil duties when particularly needed for informed intervention and negotiation with the WPG, a women's protest group, allegedly manipulated by Nongwe, Ngxobongwana and Gxokwe, which had gained support across the political spectrum in opposing development and the council's modus operandi. The accident had appared to be the catalyst for his personal

vulnerability to the mounting tensions and stress that had been a painful reminder of his experiences in Old Crossroads between 1990 and 1994. Elese had appeared to succumb to intimidation and paranoia by retreating and raising his defences, and by neglecting to communicate adequately or consult appropriately amid accusations of arrogance, inaccessability and military-style autocracy **[4.4.9: 83-85]**. Overcoming this crisis, he had returned to work in February 1998, overseeing the development which had only briefly been interupted. He, and others, survived assassination attempts, some did not, and a period of reciprocal attacks between supporters of the WPG and the pro-council/development factions ensued **[4.4.9: 86-87]**.

The WPG protest had crystallized early in 1998, when they occupied the Old Crossroads Administration building preventing the day-to-day running of these offices and the payment of council tariffs for several months. Their "stand" had not only criticized the building development but had also included charges levelled against the councillors and the alleged malfunction of the council services. It had led to a serious division between the pro-council development supporters and their anti-council development counterparts that had resulted in factional violence which resulted in the appointment of a Commission of Enquiry into the Crossroads and Philippi Crisis (CTCCC) in June 1998 **[4.4.9: 87]**. Meanwhile, Nongwe had been directed by some of the youth in Old Crossroads to leave his home in Section Four, and the local government authority's building development had continued with only slight interruption. The Enquiry's "public hearings" had allowed representatives of all the divided constituencies to give his, or her, verbal or written perception of the situation that had arisen and taken root yet again to compromise the further development. It had exposed the serious rift in the ANC in Old Crossroads, and the persistent threat of the deposed "strongmen" who had failed in their attempt to halt the housing development that had once been their own stranglehold on power **[4.4.9: 87 & 11: 90-92]**.

The consultative process of the Commission had appeared to have the desired cathartic effect, and peace and progress had returned to Old Crossroads. The WPG had disbanded. The two local Councillors had been re-briefed and their role re-focused on serving their constituents from their own home-base in their respective Wards, rather than from an office in the local authority's Administration Buildings in an attempt to improve their accessibility and encourage constituency consultation. By the end of 1999, the infrastructure development of Phase Three/Two (Section Four) of Old Crossroads had been underway, and the building development of Phases Four and Three/One had been complete since June of that year. Residents had settled immediately into their small, but free, "starter-homes" or "core-houses" (soon to be known as the "smartie" houses due to their variaty in colour) in peace and hopeful

commitment. The final completion of the local authority's Phase Five building development plan in Old Crossroads, after the housing, small- business, informal market, and multi-purpose Community Hall/Centre planned for Phase Three/Two had been completed, had been projected for the end of the year 2000, when the next LGEs had been expected.

Over the years of 1987-1999, it had certainly proved true of Old Crossroads that development had proved a catalyst for ongoing problems and often violent conflict and;

> This attempt to *manage* development driven conflict, rather than *resolve* the underlying inadequacy of the development theory, has prolonged and complicated the task of discovering an empowering and people-driven development paradigm (Bremner & Visser 1995: 6).

The violent conflict of 1986 had enforced a more negotiated provision of development needs via the State's appointed oilspot strategy. The State's patronage of their chosen leader, a convicted criminal who could be equally criminally coerced and co-opted along with his followers for mutual socio-political gain had served only to further divide the constituencies of Old Crossroads. The violent conflict in 1990 had become an excuse to halt further development of the area and from then on 'development' became a political football as this thesis has endavoured to relate. That this had caused further crime in the 1993 violence is undeniable. It had served to harden the authentic ANC's political resolve through democratic means to develop the areas already laid to waste. The democratically elected ANC Councillor and his Council had virtually achieved this goal by the end of the year 2000, but not without another illegal violent intervention by the relatively powerless old-guard. However, the current peaceful co-existence in all the areas of Old Crossroads points to some sort of negotiated compromise in the suggestion, "... that there can be no development without peace and there can be no peace without development" (Bremner & Visser; 1995: 1) having been achieved. In a more established and normal democratic situation surely the existence of crime should point to the need for more 'human-scale' development and if this is rigorously 'negotiated' with the comprehensive consultation, transparency and socio-economic commitment of the authentic self-government that Field advocates in his chapter on "Crime and Consumption" the possibility of peace should surely prevail (Field, S., in Muncie, J., McLauglin, E., & Langan, M., (Eds.) **12.** 1996: 134). The future for Old Crossroads had promised well for the start of 2001. It remained to be seen whether the evolving process and progress would become a battle-ground for the ownership of the process and its material benefits by unscroupulous patrons manipulating their clients once more for

personal or political gain. Only the constant reminder of what has happened in the past in the name of progress and development will raise the consciousness of criminal contamination that becomes a destructor.

Nobody in the literature on 'development' seems to emphasize the overarching need for the development of job-skills and employment opportunities. Until the self-identity and dignity of being able to provide for the survival and well-being of one's self and one's family has been secured it is unrealistic, as Van Zyl has suggested, to expect that apart from the exceptionally resilient;

> ... 'development occurs inside people; either they do it themselves or it does not happen at all'. ... People can indeed be given objects (goods and services) but if 'development' is to occur they *have to get actively involved themselves.* In short, they have to learn to 'deliver' their own development, i.e. to become more self-reliant (Van Zyl; 1994: 1, in Bremner & Visser, 1995: 9).

The above is, of course, the ideal to be aspired to in the personal growth of self-identity essential to the promotion of interpersonal well-being and sharing in inter-relating so crucial to the facilitation of the vicissitudes of the next issue the researcher considers. The legacy of opression had left unsophisticated and often illiterate constituents apprehensive, apathetic and mistrustful of the wider negotiation process and their development advisers. It required skilled guidance, a constant supply of comprehensive and transparent information and patient consultation to coordinate self-sustaining interpersonal as well as material physical development.

5. THE TRANSITION TO DEMOCRACY:

In 1990, with the release from prison of Nelson Mandela and the unbanning of the Africanist political parties the movement towards democracy had begun in South Africa after a life-time of apartheid oppression and rule for the vast majority of non-whites. For many, apart from the "freedom" it had symbolised, the true meaning of democracy had been a rude awakening to the reality of personal responsibility and empowerment without sufficient preparation and knowledge of its implications. Prior to 1990, the under-ground ANC "youth", or "comrades", movement in Old Crossroads had begun challenging the autocratic traditional rural style of squatter leadership but had been successfully supressed in 1986, and many of them had then joined the ANC's armed wing, the MK, overseas. By 1990 some, like Depoutch Elese, had been brought back by the ANC to be infiltrated back into African urban and informal-settlements to enlighten and empower the youth there on democratic guide-lines for a

more human civil society existence. This Elese had done, by challenging Jeffrey Nongwe's autocratic authority in Old Crossroads, alongside the local civic structures, the churches and NGOs, each of whom had recognised the inhumanity and criminality engendered by the leadership of the NP's local government puppet who had purported to be an ANC Branch leader in Section Four.

South Africa's new-found democratic opportunity to vote had been grasped country-wide in 1994. Voter-Education had been available from the ANC and several NGOs in the Western Cape, but the urgency there had been to explain the lay-out of polling stations and the actual process of voting as it would take place on Election day, and not on the civic responsibilities and the expectations of their future parliamentary representatives. The LGEs had come two years later, in 1996, in the Western Cape. In the interim, transitional local government structures had been put in place to introduce a broader representation of constituencies but had still included some of the past squatter leaders and some of the past councillors, as statutory council members, who had then begun to jockey for legitimacy in the forthcoming LGEs. Meanwhile, the ANC had provided some Voter-Education in the African urban areas, but the NGOs had, essentially, failed to seize the opening for re-awakening civil awareness and raising consciousness to assist in the rehabilitation of these damaged and dehumanized civil societies. They and the NGOs might have contributed much more to easing the way to a more authentic and satisfying state of democratic 'well-being'. "Civil societies" that have been defined as;

> ... societies that have been domesticated and incorporated into the institutions, laws and customs that give expression to the modalities of social control which serve to facilitate the survival strategies pursued by the dominant organizing units of action in the planetary system of inter-social rivalry, the modern nation state",

and continued more critically to add that;

> An ethnic state like South Africa is not a nation-state and hence, in terms of our logic, its continuation subverts the emergence of a civil society (du Toit & Gagiano; 1995: 1-2).

Without sufficient, if any, appropriate education the ANC's RDP programme had afforded a brave attempt to democratically elect representatives from all the constituencies in the previously disadvantaged urban and informal-settlement areas to provide the widest possible consultation and participation in the decision-making on local government authority development issues. However, as Bremner and Visser have cautioned that, "with an eye to the next national elections";

> ... Areas suffering from the most extreme poverty will be targeted for the largesse of the democratic government, with the understanding that communities will identify their own needs and priorities and negotiate development accordingly. On the broader societal level the economy will be shaped to join the Western/ Capitalist system with full effect, on the assumption that economic 'growth' will provide the nation with the material goods necessary to allow for nation building, reconciliation, and peace (Bremner & Visser; 1995: 6).

They have gone on to suggest that the great risk had been that, firstly, it had still depended on the "trickle-down assumptions and growth-centered priorities that have benefited the West at the expense of the rest", and that secondly, the "list of perceived basic needs detailed in the RDP reads like the old BNA list: jobs, land, housing, water, electricity, transportation, food, health care", and that these had been the major expectations of the constituencies from the new government (Bremner & Visser; 1995: 6 & 7).

Following the 1994 General Election, the Western Cape had remained under the control of the NP. The CPA policies had remained unchanged as local government administrators in Old Crossroads with an Interim Council consisting of statutory members (many having remained from the previous council suspended in 1992). Nongwe served on the TMSes and as an alternate member with Jerry Tutu on the TMC. These interim structures remained until the LGEs in the Western Cape in 1996 [5.11: 108-109].

Attempts had followed to draw together representative members of the community and the security forces as part of the Peace Accord structure [6.11: 163]. There had been a change in attitude between the police and monitors in which joint information sharing (Colonel Knipe; Murder and Robbery Unit) and the finding of witnesses was undertaken [6.11: 164-165, 13: 169-171, & 17: 176-177]. One-sided though these meetings had been, simultaneously, Hubbard (Nyanga SAP) had made sincere attempts to develop a working relationship with the LPC, drawing in representatives of the ISU and the SADF's Group 40, to open up negotiations with the constituencies of Old Crossroads for working together more democratically and effectively as an introduction to the new ethos of community policing. Parallel links had opened up with the SADF's Group 40 MI, for the sharing of information [6.13.16 & 18].

Major Theron's arrival had been accompanied by increased authority for his post of Station Commander whose permission now had to be given before outside units of the SAP could operate and then report-back before leaving. Theron's commitment to public relations and community policing proved not to be proactive and as a previous

member of the ISU his appointment could have been considered suspect in the light of the new ethos [6.11: 165]. The introduction of the CPF [6.18: 179] and policing transformation training in Nyanga [6.3: 148 & 21: 188] had been made but no inroads transpired until the arrival of Director Daniels in January 1996.

A critical question, meanwhile, had surrounded the SAP's role in endangering the life of the CPFs interim chairperson, Malibongwe Sophangisa, and the protracted alleged criminal rape case that had followed [6.19: 180-183, 20: 185-186]. There is little doubt that this had been and old-style security force deliberate attempt to discredit and negate Sophangisa's powerful position in the community as director of a Peace-building structure (Eluxolweni) let alone as the initiator and organiser of the local CPF. Meanwhile, there had been serious criticism of the SAP authorities in Nyanga CPF meetings [6.21: 191].

The LGEs of June 1996, in Old Crossroads and its environs had passed peacefully, as had the General Election of 1994, thanks in no small measure to the joint SAPS/SANDF operation surrounding the securing of polling stations and voters [6.21: 189-190]. Daniels, who had embraced community policing and police transformation enthusiastically and earnestly, had experienced problems with his CID. He described members among them as intransigent and as individuals unwilling to work as a team [6.21: 191]. These CID members had been unwilling to transform or to take orders to do so, and had been stalling or neglecting investigations. Apparently nothing had changed since Hubbard's assessment of the quality of serving officers appointed to problem stations like Nyanga since 1987.

Other parallel local democratic government structures had emerged, including the RDP, the ANC Alliance, the Nyanga/Crossroads CPF. These structures attempted to address democratic needs to establish "horizontal" ties of solidarity in the constituency's relationship to the local authority to redress the historic "top-down" approach of the CPA through their "patron-client" relationship with the squatter-leadership's "strongmen".

Nongwe had refused to become part of the ANC Alliance or the RDP in Old Crossroads after the LGE and had encouraged his followers to form an alternative development forum, Crora (members later contributed to the WPG), after their suspencion from Wecusa who like SANCO had agreed to participate in both of the above democratic structures. However, the reality of democratic representation on the RDP, and subsequently on similar structures, such as the CPFs had proved extremely problematic due to the imbalance of party political representation because opposition parties had boycotted their election processes. The legacy of mistrust, and the threat

of violence as an inter-group solution to disempowerment had survived.

By early 1996 the ANC had begun preparing their candidates for the LGEs, who once they had been elected as Ward Councillors had been put through a rushed course of instruction surrounding their duties in the service of their constituents, the importance of consultation within their constituencies, and the dissemination of information surrounding the local government authority's function, its development planning and its tariff structure, etc. It is debatable as to why this councillor education and empowerment had not been initiated, as a matter of course in the new dispensation, by the CPA instead of what had allegedly remained as a form of parental guidance induction similar to past years. Internal training for transformation had allegedly only begun to take place once the take-over of the CPA by the Cape Metropolitan Council had become incrementally effective during 1998/1999. The findings and recommendations of the CTCCC on Old Crossroads, at the end of 1998, had probably complemented this if not having directly projected the further stream-lining and education. Similar efforts at 'transformation' within the SAPS and SANDF had begun but had remained a priority requiring further attention in Nyanga and its surrounding areas of Old Crossroads and Philippi, as had the transformation of civil society in these areas empowering its members to embrace their new-found human rights and responsibilities of democracy.

The first quarter of 1998, had proved a crisis for the Old Crossroads Administration, its Council members and the two Councillors, with demands for their resignation in the media by the WPG, sitting-in at the Crossroads Administration offices. Attempts at amelioration by the CMC, the ANC, the local police and the local authorities and had failed [5.15 & 16: 125-130]. The extent of the CPA/iSLP involvement in Crora, had not been established by the CTCCC's Findings, but a warning had been issued and recommendations made to reinforce the democratic choice and legitimacy of the new local government authority. The Commission Findings had cleared the Councillors on charges of "nepotism" and "corruption" but had questioned their "accountability" noting that;

> It also follows that there is a duty on Ward representatives to report and to obtain mandates from time to time from their Ward constituency. The Party or organisation representative is duty-bound to report to, and obtain mandates, from time to time, from the Party or organisation which nominated them. The question arises *'how often must these political representatives report back to their respective constituencies?*

Further criticism had been levelled at them for a lack of cooperation with "community

based structures" such as, "the Peace structures, Community Policing Forum etc." Structures that;

> ... had been playing an important role in addressing conflict in the area. They had been impartial in dealing with members of the different structures within the community.
> The Commission gained the impression that these Councillors felt threatened in that their authority, as public representatives, was being undermined by these 'structures'.

The Commission Findings had also criticised the attempts of;

> traditional leaders such as Mr Nongwe and Mr Ngxobongwana ... to reassert their authority in Crossroads ... They are undermining ... elected representatives such as the Councillors and the RDP Forum. They have supported the WPG (CTCCC Findings; November 1998: 194 & 196).

The teething problems of all these "structures" had been obvious during the first democratic tenure of the local government authority alongside the growing pains of its Council and Councillors. Questions remained as to the quality of advice and guidance afforded by the CPA to the Councillors and the Council since the LGE, the Western Cape Provincial government/CPA having remained in the hands of the NP. However, the CTCCC had proved a timely intervention and its public hearings had released a democratic safety-valve for the main protagonists in the differing constituencies.

Between Director Daniels' departure in November 1997, and the arrival of Director Mpembe in April 1998, indecisive policing sheltering behind the fear of accusations of partiality had ensued [6.22 & 23: 195-198]. Mpembe had presented two verbal submissions to the CTCCC, his positive role had been acknowledged in the Commission's Findings, and their Reccommendations would have supported his continuing role in Nyanga. However, before he could consolidate and realign his intelligence advisers in the new year, both he and Superintendent Roberts had been seconded to "Operation Good Hope" in the Western Cape. The success of both in policing in Nyanga had led to cynical connotations being ascribed to these postings. Meanwhile, criminal arrests made during the year's violence had either not reached the courts, or had not succeeded there through negligence, incompetence or misinformation at the time of the arrests.

Reverting to the theme of the transition to democracy, the passage from autocratic dependency to democratic choice is a dramatic leap of faith for the uninitiated and their service-givers alike. In Old Crossroads it requires a process of enlightened guidance for growth in understanding the demands and responsibility of civil society

in which as Bremner and Visser have suggested that;

> Human needs theory, used as the basis for a theory of conflict resolution defines 'deep-rooted conflict' as that situation which exists when the satisfaction of fundamental human needs is denied in an institutionalised way within a community, society, or other social system. ... Conflict resolution theory then says that the resolution of such deep-rooted conflicts is the process of bringing structural change to the system. This means transforming or re-designing social structures so that they exist explicitly for the satisfaction of fundamental human needs (Bremner & Visser 1995: 7).

The legacy of mistrust and doubt engendered by the social oppression and security force repression of the various criminal state strategies during the apartheid era will take many years of patience and perseverance in transformation to accommodate what the researcher perceives as the sixth issue at stake.

6. THE RESPONSIBILITY OF NEGOTIATED COMPROMISE:

The use of the term "compromise" here rather than 'settlement' or 'agreement' had appeared to be more open-ended, conciliatory and pro-active in the context of human socio-economic and political progress, as well as physical development in Old Crossroads by the end of 1998. The fulfillment of fundamental human needs in its constituencies in order to authentically take this progress forward had remained an urgent, if not fully conceived priority.

In addressing the criteria of "fundamental human needs", the above authors have quoted the following qualities, identified by Max-Neef in 1991, as "relevant to the development dialogue: subsistence, protection, affection, understanding, participation, ideleness, creation, identity and freedom". The qualities that have set the scene for his theory of "Human Scale Development" (HSD) which starts from the premise of "underdevelopment and dependency" rather than "a situation of deep-rooted (and possibly violent) social conflict". He has reminded us that, "Development is about people and not about objects", and has explained that "HSD holds that 'the purpose of the economy is to serve the people, and not the people to serve the economy'". He has also stipulated that; "Quality of life depends on the possibilities people have to adequately satisfy their fundamental human needs (Max-Neef 1991: 16-21)".

According to Bremner and Visser, HSD has drawn, "a critical distinction between *needs* and *satisf*iers", and quoting Max-Neef once more have qualified this;

> *Satisfiers are not the availale economic goods* ... Satisfiers may

> include, among other things, forms of organization, political structures, social practices, subjective conditions, values and norms, spaces, contexts, modes, types of behaviour and attitudes, ... in a permanent state of tension between consolidation and change (Ibid; 1991: 24).

These are factors which have required radical transformation, if not, rehabilitation in previously repressed social mores in Old Crossroads and its environs since 1994. The shift from dependency dictates and hand-outs had required an incremental reintroduction to social responsibility and from it self-identity in a situation of compromise between the change and consolidation necessary to combat negative influences enhancing endemic conflict.

In expanding on his HSD theory, Clarke has explained how Max-Neef had proposed "four categories" to attempt to arrange and identify the relationship between these "needs" and "satisfiers" under the four headings: "*Being, Having, Doing* and *Interacting*". These he said depicted a "closed *existential* system" of interdependent categories, on which he has elaborated as follows;

> *Being* refers to the personal or collective attributes of the satisfier, expressed as nouns. ... Affection may be expressed and satisfied by the personal attributes of receptiveness, generosity, passion and humour.
> *Having* refers to such things as institutions, norms, mechanisms, laws or tools that one must have before a need can be satisfied. ... The need for *understanding* is satisfied by *having* literature, teachers, etc.
> *Doing* includes all those things that require *doing* before a need can be satisfied. ... for understanding to be actualized, students need to question, debate, experiment, investigate, etc.
> *Interacting* ... refers to the environment, the location and the milieu within which the satisfaction of needs is experienced. ... *understanding,* this need is experienced in South Africa at present within a political context of intensifying competition between political movements, an economic context of worsening unemployment, a social context of material poverty, and an environmental context of drought and depleted natural resources (Max-Neef, in Clarke, J., 1993: 12 & 13).

Clarke has used the compelling illustration of the HSD "*needs*" and their dependency on these "*satisfiers*" provided by Hope's Africanist image of a "wheel", whose "spokes" depict the "*needs*" while the "hub" is the "*being*" and the "rim with a pumped tyre" the "*having*", whose turning is the "*doing*", and its grounding the "*interacting*" environmental forces that propel it (Hope, in Clarke; 1993: 13 & 14). Clarke has pointed to the importance for ongoing societal development that these needs are "correctly understood as closely inter-related and interactive" and that for them

"authentic satisfiers are sought". If not, as he quotes Max-Neef's warning, "*collective pathologies of frustration*" will affect such development with social problems of; "community sickness such as violence, apathy, drug and alcohol abuse" (Clarke;1993: 14 & 15).

The Old Crossroads "wheel" had been complete but by no means fully-functioning. Some of its "spokes" had been damaged, the "hub" was in need of grease and the "tyre" in need of air, if not, re-conditioning. The environmental ground had been uneven and not always firm, and Max-Neef's warning had undoubtedly applied.

By the end of 1998, an attempt to recognise the HSD's fundamental human needs had begun but had got little further than the local government structures addressing "*subsistence*" and "*protection*" needs. Through the patience and persistance of community and faith structures in their own ethnic reliance on 'ubuntu' (a person is not a person without other people) and the extended family in recognising the inter-dependency of human individuals the need for "*affection*" had been addressed. There had been partial progress in a better mutual "*understanding*" gained from consciousness-raising, experience and tolerance. The potential for "*participation*" had been improved by legitimate political process in the LGEs of 1996, and by structures since such as, the local RDP, the CPF and its contribution to the Nyanga CSF, and the various NGO peace projects that had endeavoured to be fully consultative and representative with varying success.

A small measure of "*creation*" needs had been accounted for in some of the other African townships during the late 1980s and early 1990s, where the CWD (Catholic Welfare and Development) 'soup kitchen' and 'garden' projects had proved welcome and satisfactory in encouraging self-sufficiency. But apart from one other NGO, the Philani Centre where mothers had been tutored in rug-weaving to finance the nutritional needs of their babies and had provided a creche for the babies of working mothers, Old Crossroads had apparently been considered too volatile an area for the introduction of more creative opportunities. By 1993, with the encouragement of concerned individuals from various NGOs, the Mothers of Crossroads had constituted themselves into a pro-active group for self-empowerment and had proceeded to embark on Red Cross Home-Care Courses, followed by Educare Centre Training so that some of their members had been able to open creches attached to their homes. These had then been recognised by the local government authority in receiving food subsidy grants on top of the fees paid by the parents in return for their young having been introduced to the first steps in early-learning. However, the Mothers of Crossroads, after participating in Voter-Education during the run-up to the the General Election of 1994, had lost their commitment and representivity during the

period of renewed political rivalry that had followed in the run-up to the LGEs of 1996. By 1997, members of the same grouping had been reconstituted as the Womens' Movement for Peace, and by the end of 1999, there had been renewed hopes of further creative opportunites spear-headed by this grouping. By late 1997 the Philani "Flagship Project" had opened its doors at the Mfesane Community Centre where some local women were introduced to fabric-printing and later to paper-making for which more had been employed. The same year, the local government authority had opened a well-equipped creche employing a fully trained local resident and several trainee educators.

The possibility of a QPC Peace Garden project for Old Crossroads similar to the already successful gardens in Khayelitsha, Nyanga and Guguletu, and the hope that some CWD 'soup-kitchen' initiatives might be introduced into the area had long since been discussed.

Otherwise, for the unemployed survival had been dependent upon self-help in the form of informal trading. From 1990, any local government contracts had stipulated the use of unskilled local labour in any development projects which, after the LGEs of 1996, had become more equitably joint-managed with the local RDP. However, Max-Neef's definition of "*creation*" as; "The need to give expression to the God-given creativity within each of us" had not been given full rein in Old Crossroads. Apart from the cathartic release in the company of local choirs predominantly attached to churches and schools, young people had appeared to have little, or no, access to organised sport or to recreational pursuits in Old Crossroads. Again the historically turbulent climate in its schools and informal-settlements since 1987, had discouraged any attempts at initiating extra-mural or co-creational activities. Any access to music-making, dance, theatre, or art and craft work-shops etc., had only been, and even then, scarcely available in more stable African urban areas.

The remaining three, HSD needs, had yet to be authentically explored let alone respected in Old Crossroads and elsewhere in previously disadvantaged areas, in the researcher's opinion. "*Idleness:* Not laziness, but a relaxed state of mind and spirit that allows for the thought and reflection which is associated with the former need", as Max-Neef has defined it, had not been conducive to the endemic anxiety surrounding the struggle for survival. Enforced idleness from the lack of employment opportunities had offered a differing concept that had usually been redeemed by the pride in appearance of the home and its occupants. Both urban and informal-settlement homes had been meticulously clean and ordered, ablutions and the washing of clothes even under a communal tap had been a daily routine, and often gardens had appeared to signal stability. All these manifestations had contributed to the

impression of an inner strength of being and unending patience. A patience that has been, perhaps, best exemplified by an African woman in mutual satisfaction intricately braiding another's hair into a personally sculpted creation, indicative of a sense of *"identity"*, that had not been engendered, or given wings, during the years of oppresion.

The issue of *"freedom"* had become confused by the problems that had arisen with the arrival of democracy in Old Crossroads, as was witnessed and experienced in the uprising against the local councillors and the local government authority early in 1998. The responsibility of the democratic management of the local government development process had been legitimately challenged but with an irresponsible democratic response. The guide-lines for responsibile negotiation had been redrawn by the CTCCC and the development process had continued, but had remained dependent upon the local authority's authentic implementation of its duties cognisant of the Commissions' recommendations. In areas like Old Crossroads only a more consciously-aware and better informed civil society will, in this new century, be able to exercise their democratic human rights via negotiation and agreement, or consensus, whch may have to include compromise. Only then will the individual have: *"freedom"* as: "The personal space within which to grow to our full potential without stifling barriers (Max-Neef 1991)". Finally, Max-Neef has reminded us, that HSD should not have been considered as a "model" but that:

> It is an option justified only to the extent that we understand it, internalize it and implement it through a praxis that is in itself **a process in constant motion** (his emphasis) (Max-Neef op cit. p 12., in Clarke; 1993: 31).

The process had begun in Old Crossroads but painfully by 'fits and starts' and would take time and patience with responsible compromise to overcome the residue of dissent that lingered from the 'struggle' years. Once again for the researcher the spectre of adult education in mediation, conflict resolution via non-violent communication, societal consciousness raising as well as literacy and citizenship, haunts the discourse.

It remains for the researcher to justify this process of research questioning by endeavouring to draw it together in the seventh issue where she argues the inextricable links between Political Science and Criminology in this dissertation.

7. THE OVERLAP BETWEEN POLITICAL SCIENCE & CRIMINOLOGY:

> Theory building happens incrementally and continually. ... provides for a way of seeing the world in the first place - it makes "reality" thinkable.
> ... we always see this world through a lens, a lens that is shaped by our location, both culturally and much more personally.
> It regards theory as rooted in our life experiences, experiences that create our lenses, and it is our lenses that pose the questions and the problems that our theories seek to address (Shearing, C., in Holdaway, S., & Rock, P., (Eds.) **2.** 1998: 16-17).

Shearing highlights the writer's realization, alluded to in the chapter on Methodology, that her findings are inevitably personal and relative to her own political crimonological stance. In that chapter, she explains her role as an Urban/Peace monitor since 1990, affording her the opportunity for the research included in this thesis. While acknowledging the above, the better understanding of it dawned with the investigation's passage of time, and the socio-economic deprivation accompanied by political manipulation and criminal exploitation of an under-developed under-class became increasingly evident:

> ... only a slight existential gap between the seemingly impersonal domain of the research and the personal domain of the researcher. The one refracts the other: observer, observed and the process of observing being importantly fused. In this sense, research and writing may be read as an unfolding, visible and objective documentation of the private subjectivity and experience of the scholar (Holdway & Rock; 1998: 13).

As they also note, "... criminology is a 'rendezvous' subject where people from a variety of disciplines meet" (Ibid; 1998: 13).

The difference at particular moments in the lenses through which one views the event, be it the lense of the anthropologist, the social worker, the sociologist, the peace worker, the lawyer, the political scientist or the criminologist is relative and contingent to the reality of the happening. A reminder of the "Relativist View of Monitoring" (van der Spuy; in Scharf & Nina (Eds.) **8.** 2001: 175) acknowledged by the researcher in her chapter on Methodology. All three of van der Spuy's findings are patently relevant to the researcher's locality in the discourse. Within the political reality of her avowed human rights perspective particularly during the latter part of South Africa's liberation 'struggle', and within her awakening and witness to the

criminological implications she has attempted to remain ethically and morally germane. Every social act takes place in a political context it is shaped by and in turn shapes the political context. Defining crime is a legislative political act.

> Criminalization, the application of the criminal label to an identifiable social category, is dependent on *how* certain acts are labelled and on *who* has the power to label, and is directly limited to the political economy of marginalization (Scraton, P., & Chadwick, K., in Holdway & Rock, (Eds.) **25.** 1998: 289).

Returning to the Introduction of this thesis in which the researcher's stated intention was to draw attention to the crimeogenic significance of social "system" groupings rather than the more usual criminological pre-occupation with individuals and their proclivity to crime. A"system" which Shearing describes as, "... not just the government, or some set of politicians, or even a ruling class, it was 'the social world', and this world reached deep into lives and indeed into their psyches (Shearing, C., in Holdaway & Rock; 1998: 21). Individuals have been explored criminologically by positivists such as Eysenck (in Muncie, J., McLauglan, E., & Langan, M., (Eds.) **10.** 1996), and the blocked opportunity theorists such as, Merton (in Cuff, E C., & Payne, G. C. F., 1984: 57). The responses of individuals and groupings to "structural situations" have been researched by critical criminologists such as, Giddens (in Muncie, McLauglan & Langan (Eds.) **11.** 1996), and Sumner (1982). Sumner criticises the "modernisation" theory as, "... a classic figure of ideological inversion when applied to the development of under-development" (Sumner, C., 1982: 23). He is one of the few theorists who has looked at crime in the developing world and suggests that the policies of colonial regimes are legitimate study for criminologists because unjust policies and blocked opportunities have the same effect on people's responses to their survival options. He was unabashed at studying the criminogenic effects of colonialism, and the survival strategies of individuals or groups in the context of particular development policies and regimes.

The fact that the exploitative trade dictates of colonialism have been overtaken by those of global corporations in influencing third world government policies changes nothing. In South Africa the socialist aspirations of the impoverished ANC have given way to increasing privatization in the face of competitive first world technicological demands that reduce the human work-force and increase employment competition. Holistic under-development is likely to be reinforced rather than corrected. The criminogenic effects on the grassroots majority remain endemic where education lacks inspiration, job-skills training is limited and employment opportunities are scarce. The legacy of criminogenic effect on the state, civil society and industry threatens in corruption and a lack of pertinent transparency,

accountability and genuine democratic consultation.

Stan Cohen has challenged criminology further to suggest that if criminologists do not take the crimes of the state seriously as part of their discipline, they will have failed themselves, their discipline and the victims of human rights abuses. States will have an incentive to continue with their abuses if the voices of criminologists and their research do not expose this major avenue of political crime and injustice (Cohen, S., 1993: 113, 1995: 8).

I wish to suggest that criminology should extend its investigation and consider seriously the devious, unjust and criminal policies and actions of states at a particular time in their history, and strive to equate the responses that citizens resort to exercise better their life opportunities (and political aspirations). This applies equally to individual actions as it does to collective actions. This type of theorisation is most likely to be prominent in societies with high levels of state oppression and in societies experiencing high levels of political conflict.

In the case of South Africa, in their findings on "Township policing - experiencing the SAP" Brogden and Shearing found that "Long before the apartheid structure institutionalized legal inequality, black people were subject to legal police criminalization" (Brogden, M., & Shearing, C., 1993: 60). Explaining the apartheid state system's structural/functional strategy, they cite;

> Its simple function has been to limit black South Africans' access to their country's resources while at the same time ensuring their labour was available to promote the interests of white South Africans. It is both a state of affairs and a mechanism. ... promotes descrimination and is discriminatory (Shearing 1986; in Brogden & Shearing, 2. 1993: 15).

It may be asked, that if criminology is to be extended that far where is the distinction between it and political science? It is clear that both disciplines have much in common. Both look at how the exercise of power, be it personal or group power, at civil society or state level conduct themselves by the use of certain strategies lawful or otherwise (be it domestic or international law). The difference between them is the emphasis that each places on the events being considered. While political science tends to look at the wider implications within and between states, criminology attempts to understand strategies used by individuals or groups within state systems and the responses solicited by these. Both disciplines should inform and complement each other as part of a more integrative human ecosystemic theory of discourse.

In the South African urban and informal-settlement areas as Lloyd found, "The

strategy had changed from a focus on negotiating political representation to negotiating development. The state acknowledged that oilspots were chosen for stratgic reasons, rather than on the basis of human need (Lloyd, cited in Seegers, A., 1988). The 1986 conflict in Old Crossroads had been politically motivated for social engineering purposes. The *witdoeke* strongmen's grievance against the emerging ANC Youth had been opportunistically exacerbated and manipulated by the state's security system to promote social disorganisation and "slum" clearance. The Security Forces had facilitated their joint 'scorched earth' tactics (Cole, J., 1987: TRC HRV KTC Hearings; June 1997). Young reminds us that, "Crime is of importance politically because unchecked it divides the working class community and is materially and morally the basis of disorganization: the loss of political control. It is also a potential unifier - a realistic issue, *amongst others*, for recreating community" (Young, J., in Muncie, McLauglin & Langan. (Eds.) **40.** 1996). A clear example of the latter had been the formulation of the "Mothers of Crossroads" in 1993, which had managed via the LPC to lobby the RPC and enforce the incorporation of others in motivating the Goldstone Commission later in the same year. However, as an a-political grouping its cohesion had given way to the party political divisions that had followed in the build-up to the LGEs of 1996, and it had not managed to re-group and grow significantly since. Efforts to unify had centred on the CPF, and more recently, the CSF peace structures.

Returning to 1986, the international and local media had exposed the state's and its *witdoeke* vigilante's criminal involvement at the time and the state had had to re-formulate its social construct into a more "modernistic" and socially acceptable approach. "Modernisation" theory, according to Sumner;

> ... only sees crime as a result of 'development' and criminal law as crime's necessary counterpoint. What it does not see is all the criminal law and crime that went into the very making of underdevelopment 'Modernisation' is not the natural evolution of a stagnant system that had been 'civilised' by a dynamic one, but the *coerced* growth of capitalist domination in areas of resistance (Sumner, C., 1982: 35).

McCuen's oilspot theory adapted by Ulrich Schelhase, the state's agent in Old Crossroads in 1987, crucially depended on his successful coercion and co-option of Johnson Ngxobongwana, the headman of the area, as a co-implimentor puppet of the state (Schelhase U., TRC HRV KTC Hearing June 1997). According to Phillips and Swilling,

> McCuen's approach 'required the reconstruction of political forces from the bottom up and *not* a commitment to political bargaining or top-down reform. The move from total strategy to active low intensity

> conflict was in effect a subtle move from controlling dissent to reorganizing politics ... between 1985 and 1986, at the time when vigilante groups were emerging (Phillips & Swilling; 1988).

The relationship between Schelhase and Ngxobongwana had provided for some social and infrastructural development but at the same time succeeded in increasing the social divide between the state's agents (Local Authority Councillors and employees) their security force control agencies, and the anti-apartheid state activists and their committed fellow-travellers. The control agency importantly concerned the SAP culture, described as,

> A sense of 'mission' (maintaining the 'thin blue line' that separates order and anarchy) ... a community-within-a-community (solidarity with police colleagues ...), conservatism ..., a gender-based chauvism ..., stereotypical assumptions about race, and qualities of realism and pragmatism (policing practice requires bending the rules) (Brogden & Shearing; 1993: 43).

Eventually a divide had opened up between Ngxobongwana, the chairman of his committee and most of his committee members (also Local Authority Councillors) with the consequences already discussed in (7.1.1), employing the further services of state agent/"vigilanties" whom Haysom describes thus;

> ... term connotes violent, organized, and conservative groupings They are politically directed in the sense that they act to neutralize individuals groupings that are opposed to the apartheid state and its institutions ... alleged to enjoy varying degrees of police support. ... as the crisis of state control over black areas expanded geographically, so did the incidence of vigilant action (Haysom, N., in Hansson & van Zyl Smit; **3.** 1989: 68).

The state's need to hide its deceptive political strategies had necessitated that non-state actors were seen to be performing the job of clearing the land for development purposes, or eradicating potential opponents, such as the radical youth from informal-settlement areas. Similarly, the squatter leaders saw an opportunity for enrichment and either took it willingly, or were pressured into taking it. Both eventualities had proved to be at a huge potential cost in the loss of legitimacy and in terms of their own socio-political lives.

The ultimate solution to the 1993 violence in Old Crossroads, which had included an attempt on the life of the ANC Youth leader resulting in the death of three innocent bystanders, had been initiated by the Mothers of Crossroads as mentioned earlier. It had set in motion a process of critical exposure of squatter leader involvement with security force support implicating the local authority's political intent, though the

murder charge against the same ANC Youth leader and two others.

It remained clear that the oilspot strategies, albeit covertly, had still been in operation in Old Crossroads until the 1994 General Election, and probably beyond the first LGEs in 1996. The ongoing sporadic violence in between, and subsequently, engendered by the previous squatter leaders' combined effort in opposing the democratically elected Councillors and their council through their manipulation of the WPG had led to the latter's illegal occupation of the local authority Administration Offices in 1998.

> Basically the equality paradigm always reaffirms the centrality of men. Men continue to constitute the norm, the unproblematic, the natural social actor. Women are thus always seen as interlopers into a world already organized by others.
> .... A feminist standpoint then is not just the experience of women, but of women *reflexively* engaged in struggle (intellectual and political) (Smart, C. in Morris, A., & Gelsthorpe, L. 1990: 460).

In the out-moded traditional social confines of urban and informal-settlements such as Old Crossroads the struggle of activist women to achieve equality has been spear-headed by strong, vocal and intelligent front-runners whose development potential have not been allowed meaningful skills training or fulfilling deployment of these. It has allowed male leadership to capitalize on their frustration and use them to their political and sometimes criminal advantage at no cost to the leaders themselves.

In 1998, the ensuing criminal reciprocal arson attacks had threatened the building development in the previously devastated areas of Sections Two and Three, lives were lost, and attempts made on the lives of the Councillors. Nongwe had been escorted out of his former strong-hold in Section Four. Soon after, the CMC's Commission of Inquiry on Old Crossroads had managed to deflate the tension and finally disempower the WPG and their already dispossessed squatter masters. The internal political legacy had persisted, the perpetrators of the violence had been left unscathed. A serious divide had opened up in the ANC's Unathi branch, there had been an emergence of the UDM to host many of the previous PAC stalwarts jostling for positions of power, but the ANC remained dominant in the General Election of 1999. Depoutch Elese retained his seat as Councillor of the extended Ward 36 in the LGE of December 2000, in which Councillor Gwayi had been replaced in Ward 33 by the ANC's, William Sidinana, the one time mayor of Old Crossroads.

> Are the real criminals those powers that stood by allowing this conflict to continue? And what is the role of those who said the truth was too difficult to ascertain? (Morrison, W., 1995: 475).

> conflict to continue? And what is the role of those who said the truth was too difficult to ascertain? (Morrison, W., 1995: 475).

There was an absence of political will to genuinely resolve this ongoing conflict and an apathy or lack of commitment to rigorously uncover the 'bed of worms' within the political strategies and structures that had existed there since 1987, and had continued since to a lesser degree during the research period.

Finally, in defense of the overlap between Criminology and Political Science, as has been claimed in this thesis during the apartheid and post-apartheid 1990s in South Africa, attention should be drawn to the ANC governent's contribution to the peace process of reconciliation and reparation. In 1996, the ANC government's democratic compromise in dealing with the gross violation of human rights crimes of this period (until the end of 1993) had been to appoint the TRC HRV and Amnesty Hearings. In so doing, it had attempted to accommodate what Nagel, in discussing the punishment of state crimes, has distinguished between the search for "*knowledge* and *acknowledgement*" (in Cohen; 1995: 18) in addressing the critical human needs of a deeply divided and damaged nation. Cohen places; "*Knowledge* - 'the truth phase' of accountability" first in five phases or requirements in the process towards the final phase of; "*Reconciliation* and *reconstruction* in the rebuilding (or new building) of democracy". Whilst, the TRC had investigated and exposed the first as far as they were able, many have been left feeling that it had failed to reveal the whole truth in many cases. Cohen's second phase of; "*Accountability* - 'justice phase'" including "Punishment", "Compensation for victims" and "Lustration - mass purification", had barely been touched on by the TRC, although its chairperson Archbishop Tutu has spoken of it as a source of "reparative justice" (Tutu in 'Long Night's Journey into Day' 2000). Apart from minor emergency financial reparations to some of the victims, the major reparation issue had not been addressed by the government by the end of 2000. The lack of punitive justice in the TRC's mandate had caused disillusionment and dissent among many, and an appropriate assuaging of collective national guilt had not been forthcoming.

An early opportunity had been lost by the government for mass symbolic reparation by means of a wealth tax or more voluntary socio-economic project funding to foster genuine reconciliation and reconstruction. The result had been a deeper racial divide and a society sinking deeper into what Cohen describes in his "Concept of Denial" with all its concommitant effects (Cohen; 1995: 19-23). In the case of an "Agent:" as a "Victim, Perpetrator or Observer" he recognises us as "Bystanders" with our "diffusion of responsibility - inability to identify with the victim - inability to conceive of effective intervention", or as "'metaphorical' bystanders - informed by the

media", and as, "whole governments or 'the international community' - not moral agents with moral obligations" (Ibid; 1995: 30 & 34).

> The very essence of white consciousness in apartheid South Africa was marked by a continuous shutting out of what seemed 'obvious' to any outsider.
> ... does not explain why some people in the same culture, sharing the same values, do not react in the same ways. ..., many manifestations ... appear to be quite extreme and often pathological: alienation from self and society; internal exile; reaction formation (an exaggerated defensiveness about your cause); a literal blindness. (Ibid; 1995: 42-43).

Perhaps the recent "Home for All" initiative launched in December 2000 by Carl Niehaus (ex-ANC MP and then Ambassador to the Netherlands) and Mary Burton (ex-TRC Committee member) will, while inevitably incuring criticism and controversy, jump-start some collective conscience in a re-evaluation of viable forms of both spiritual and material reparation.

Cohen's third, and most critical, phase in the process toward democracy as that of "*Impunity* - 'amnesty', 'imunity', 'indemnity'" (Cohen, 1995: 11-12) had applied crucially to the TRC's Amnesty Hearings which had received minimal support from all ranks of the military but more from those of the police. Amnesty would be granted to an applicant only if there had been full disclosure of a criminal act and if that act had been perpetrated for political purpose. Amnesty once granted would then indemnify the applicant from future legal prosecution. Inevitably, the apportioning of Amnesty by the TRC to individual perpetrators had led to disagreement as to the proportionality of blame and to accusations of political trade-offs. However, the lack of justice having been seen to have been done was uppermost in the minds of most victims and human rights observers. The lack of a full disclosure by a perpetrator could still lead to a criminal conviction, but who is going to be there to further investigate these cases now?

The one abiding factor of the TRC's HRV Hearings that had authenticated and justified its existence has been its fulfillment of Cohen's fourth phase, or requirement, of "**Expiation** - ritual cleansing" which he describes as the "working through", "cartharsis", and "confrontation" in psychoanalytic terms (Ibid; 1995: 12 & 38). The telling of their stories had achieved this for both individual victims and amnesty applicants alike, but for previous apartheid state authorities and present day political groupings both inside and outside government the benefits of a spring-cleaning effect have not been acknowledged. Reconciliation is not a finite state, it is the start of a process, according to Tutu (in Long Night's Journey into Day, 2000). The path to

"Reconciliation and Reconstruction" remains steep and uneven, for which Cohen advocates;

> ... reeducation, not just on the bland 'value' of human rights, but on the limits of obedience, the virtues of whistle-blowing, the duty to intervene, the permissable limits of dissent.
> ... the victim's demand for acknowledgement calls not simply for factual or legal recording but for replacing their physical pain and loss with political dignity (Ibid; 1995: 12 & 41-42).

The apartheid state government had not admitted accountability for the gross human rights violations that had been perpetrated on its behalf, nor had it acknowledged any guilt for its racial and oppressive policies, to the TRC. The ANC government had acknowledged accountability for the part it had played in violent opposition to its oppressor, but has so far reneged on its responsibilities and promises of reparation to the victims on both sides.

In summing-up, the researcher acknowledges Cohen for his reminder that;

> For state crimes - much more than for any nonideological crime of political time. Memory is a social product - a product that reflects the agenda and social location of those who invoke it and the political struggle to suppress or resurrect what has been or what might be forgotten (Ibid; 1995: 45).

8.

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